Tewkesbury
Borough Council

APPENDIX A
Agenda Item No. 5A

TEWKESBURY BOROUGH COUNCIL

Schedule of Planning Applications for the consideration of the **PLANNING COMMITTEE** at its meeting on 7 June 2016

	(NORTH)	**(SOUTH)**
General Development Applications Applications for Permission/Consent	(1 - 38)	(39 - 62)

PLEASE NOTE:

1. In addition to the written report given with recommendations, where applicable, schedule of consultation replies and representations received after the Report was prepared will be available at the Meeting and further oral reports may be made as appropriate during the Meeting which may result in a change to the Development Manager stated recommendations.

2. Background papers referred to in compiling this report are the Standard Conditions Booklet, the planning application documents, any third party representations and any responses from the consultees listed under each application number. The Schedule of third party representations received after the Report was printed, and any reported orally at the Meeting, will also constitute background papers and be open for inspection.

CONTAINING PAGE NOS. (1 - 62)

Codes for Application Types

OUT	Outline Application
FUL	Full Application
APP	Application for Approval of Reserved Matters
LBC	Application for Listed Building Consent
ADV	Application for Advertisement Control
CAC	Application for Conservation Area Consent
LA3/LA4	Development by a Local Authority
TPO	Tree Preservation Order
TCA	Tree(s) in Conservation Area

National Planning Policy

National Planning Policy Framework (NPPF)

Technical Guidance to the National Planning Policy Framework

Planning Policy for Traveller Sites

Planning Policy Statement 10: Planning for Sustainable Waste Management

Planning Policy Statement 11: Regional Spatial Strategies

INDEX TO PLANNING SCHEDULE **(RECOMMENDATIONS)** 7th June 2016

16/00008/FUL **Units 1 And 2, The Emporium, High Street** **1**

Valid 05.01.2016
Grid Ref 402553 228332
Parish Winchcombe
Ward Winchcombe

Additional uses class A3 & A4 keeping the existing class A1rental shop.

Ms Karen Adams
Units 1 And 2
The Emporium
High Street
Winchcombe

RECOMMENDATION Permit

Policies and Constraints

Tewkesbury Borough Local Plan to 2011 - policies TPT1, HEN2, HEN6, HEN17, EVT3, RET3, RET10
National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)
Conservation Area
Setting of various listed buildings

Consultations and Representations

Winchcombe Town Council - No objection to the Class A3 and A1 use but would object to the A4 (Hot Food Takeaway) use. Also due consideration should be given to the continued enjoyment of residents above and behind the premises and adequate noise attenuation measures taken. (Officer Note - the application is for A3 use (Restaurants and Cafes) and A4 use (Drinking Establishments). The proposal does not seek a change of use to A5 use (Hot Food Takeaways).

Conservation Officer - No objection although notes that a condition of the premises licence requires the installation of a CCTV system which may need listed building consent and fasçia signage is likely to require LBC and advertisement consent. Noise attenuation may also need listed building consent. Following a site meeting the Conservation Officer is satisfied that these elements could be achieved in such a way which would preserve the listed building.

County Highways (summarised) - No objection. In Highway terms the use classes applied for are very similar to that already permitted in that the units will require occasional delivery and service vehicles to visit the site however most customers are likely to arrive on foot as part of the shopping or leisure visits to the wider town centre area likely utilising the public car parks nearby.

Environmental Health - No objection subject to the imposition of conditions restricting hours of operation and requiring a noise mitigation scheme.

Following concerns from residents over secondary smoke infiltration into adjacent residential premises the EHO has commented that as the area in question is open to the air, the smoke will be able to freely dissipate. Therefore it is not considered that the proposed development would have a detrimental effect on the amenity of nearby residential properties. The management or owner of the premises will have the discretion to adopt a policy of smoking in the opening/doorway of the premises.

3 objections have been received from local residents and are summarised as follows:

- The building is not suitable for the planned use. It is listed so there is no possibility of sound proofing, which is necessary as there are families with small children who live above.
- The applicant has not applied for listed building consent and there are no firm proposals how they would attempt to add soundproofing. It is inappropriate to consider a change of use without seeing the full details. Such proposals may be unacceptable to the listed building. If the applicant already has the change of use permission there will be less onus on reaching an acceptable solution.
- Even if a soundproofing solution is reached then noise will still travel through windows and cause disturbance.
- It cannot be properly ventilated on account of the listing.
- The provision for smokers is totally inadequate.

- The situation of the building adjacent to a hall which is used by young people.
- Too close to road which is dangerous for lorries making deliveries and collecting rubbish.
- Winchcombe has sufficient outlets for the sale of food and drink. More ordinary shops are what is needed.
- The use/sound proofing could create a fire hazard.
- The side entrance is vulnerable and lends itself to being a smoking area/public toilet. There has already been experience of this occurring.
- The applicant has previously stated that the side entrance could be gated, but this cannot be achieved as access is required.
- The smoking area will affect children that live above the unit and it is below a bedroom window.
- The cumulative impact of an additional bar has not been assessed and there will be increased noise and taxis causing bottlenecks in the town.
- The Local Plan suggests retail should be a priority in Winchcombe to ensure the vitality of the town.
- The Local Plan state that applications should only be granted if there is no disturbance or diminishment of quality of life for nearby residents.
- This proposal would absolutely fail to safeguard residents.

Councillor Allen has requested Committee determination to allow the Committee to assess the impact of the proposal on neighbouring residential properties.

Planning Officers Comments: Paul Instone

1.0 Application Site

1.1 The application site is Units 1 and 2, The Emporium, High Street, Winchcombe. The Emporium is a Grade II listed building with a commercial unit at ground floor level, with basement storage, which benefits from an A1 consent and is currently vacant. The Emporium is a 2.5 storey building, which also contains 4 flats; 1 no. flat at ground level, 2 no. flats at first floor level and 1 no. flat at second floor level. There are commercial units on either side of the application site. Immediately to the west of The Emporium is an alleyway which provides access to the Guide Hall.

1.2 The application site was granted a Premises License for the supply of alcohol following a meeting by the Licensing Sub-Committee on 22nd December 2015.

1.3 The application site is located within the Retail Area of Winchcombe as defined on the Tewkesbury Local Plan Proposals Map. The site is also located within the Winchcombe Conservation Area and the Cotswolds Area of Outstanding Natural Beauty (AONB).

2.0 Relevant History

2.1 There is no relevant planning history.

2.2 The Licensing Sub-Committee (Licensing Act 2003 and Gambling Act 2005) granted the applicant a premises licence on 22nd December 2015. The premises license was granted for the supply of alcohol between 10:00 -23:00 Monday - Saturday and 10:00 - 22:30 Sunday with extra hours permitted on New Year's Eve and during Cheltenham Race meetings. The License was subject to a number of conditions, the following of which are relevant to this application:

- A CCTV system must be maintained in good working order
- No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibrations be transmitted through the structure of the premises which gives rise to a nuisance
- Signage must be displayed asking patrons to leave quietly.
- A sign will be displayed stating the designated smoking area. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and to use the area quietly.

3.0 Current Application

3.1 The application seeks a change of use for the ground floor commercial unit of the Emporium to allow Use Classes A3 (Restaurants and Cafes) and A4 (Drinking Establishments) whilst retaining the existing A1 (shops) use for the sale of patisserie, specialist coffee and artisan bread.

3.2 The applicant is seeking proposed hours of use Monday to Saturday 08:00 to 23:00 Monday to Saturday and 08:00 to 22:30 Sunday.

3.3 The applicant has been advised that although there is no conservation dimension to the change of use application, Listed Building Consent will be required for the installation of signage, the CCTV system and sound insulation measures. Advertisement consent will also be required for the fascia signage. The applicant has chosen not to submit an application for Listed Building Consent to be considered alongside this current application. However, the Planning Officer and Conservation Officer have met the applicant on site and discussed the signage, CCTV and sound insulation requirements.

4.0 Analysis

4.1 The main impacts of the proposal are considered to be the principle of an A3/A4 use in this location, the impact of the use on residential amenity and the impact of the proposal on the listed building and Conservation Area.

Principle of Development

4.2 The application site is within the Retail Area of Winchcombe as defined on the Local Plan Proposals Map. Policy RET3 of the Local Plan states that proposals for retail use, financial and professional services, and food and drink at ground floor level will be permitted. In each case proposals for new development will be expected to be consistent with the scale and function of the centre. As the proposal comprises of the change of use of the ground floor and basement of one building within Winchcombe, it is considered that the proposal is consistent with the scale of the centre.

4.3 It should be noted that Policy RET3 refers to A1, A2 and A3 uses and not A4 or A5 uses. Policy RET3 pre-dates the amendments to the Town and Country Planning (Use Classes) Order 1987, which came into force in April 2005 and the 2006 Plan adopted the pre 2005 (The Town and Country Planning (Use Classes) (Amendment) (England) Order 2005) definition of A3. It is considered that A3 use in Policy RET3 (and RET10) should be interpreted to include the new A4 and A5 Use Classes and that therefore the proposed use is acceptable in principle in this location, providing the proposal is of an appropriate scale, does not adversely impact on the amenity of local residents and does not have a detrimental impact on local traffic. This approach is consistent with the NPPF which requires main town centre uses to be located in town centres.

Impact on Residential Amenity

4.4 Paragraph 120 of the NPPF states that *'to prevent unacceptable risks from pollution..., planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.*

4.5 Policy EVT3 of the Local Plan sets out that developments likely to generate levels of noise which are unacceptable either in volume, or frequency of occurrence should, where appropriate, be sited away from people so as to avoid any noise disturbance. Appropriate steps must be taken during construction and operation or occupation to reduce the levels of noise pollution.

4.6 Policy RET10 of the Local Plan also states that food and drink uses are acceptable in this location unless there will be an adverse impact on the amenity of local residents particularly with regard to smell and noise.

4.7 There are four residential flats within The Emporium Building and concerns have been raised about the impact of the proposed development on residents due to noise pollution. Concerns have also been raised about the impact of smoking areas as well as the effects of potential anti-social behaviour in the vicinity of the premises.

4.8 Environmental Health have been consulted on the application and do not object to the proposal subject to conditions which limit the hours of use from 0800-2300 Monday to Saturday and 0800-2230 on Sundays as well as a condition which requires a noise mitigation scheme to be implemented on site prior to the use commencing.

4.9 The applicant has indicated that in order to comply with the noise mitigation condition they will use a QuietRock® insulation system which clads the existing drywalls without a requirement for structural works. The Conservation Officer has indicated that this approach is likely to be acceptable in the listed building. It is considered that in this instance, the applicant has demonstrated that there is an insulation system available which would control any noise pollution arising from the proposed use. Whilst the applicant would be required to submit details of sound insulation as subsequent discharge of conditions/listed building consent applications, it is considered that noise pollution can be controlled in the listed building and the effects of the proposed use ameliorated. As such, subject to appropriate conditions, it is considered that the proposal would have an acceptable impact on residential amenity by reason of noise.

4.10 The applicant has stated that they do not intend to sell hot food from the premises and therefore there will be no requirement for an external ventilation flue.

4.11 Residents have also raised concern about smoke dissipating from the smoking area into dwellings above the premises. Environmental Health considers that as the area in question is open to the air, the smoke will be able to freely dissipate. Therefore Environmental Health do not feel this will have a detrimental effect on the amenity of nearby residential properties.

4.12 Concerns have also been raised about potential anti-social behaviour in the alleyway immediately to the west of the application site. Such matters are controlled under other legislation, including the criminal authorities, and are not a material consideration in the determination of the application.

4.13 Having regard to the above, it is not considered that the proposal would give rise to an unacceptable detrimental impact on residential amenities.

Impact on Heritage Assets

4.14 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for development which affects a listed building or its setting, special regard should be had to the desirability of preserving the building or its setting, or any features of special architectural or historic interest that it possesses.

4.15 Although there is no conservation dimension to the strict change of use, the premises license requires the installation of a CCTV system and it is recommended a condition is imposed for a sound insulation system. The applicant will submit these details in separate applications.

4.16 The Conservation Officer has met the applicant on site to discuss the proposal and having discussed fixed security camera positions with the CCTV engineer on site, and seen details of the proposed sound insulation system, the Officer can confirm that the applicant's intended works are acceptable from the conservation point of view.

4.17 It is therefore considered that the proposed development would not adversely affect the listed building or the Conservation Area. It is also considered that future applications arising from the proposed use would not adversely affect the setting of the listed building, although any application will be considered on its own merits at the time of the application.

5.0 Conclusion

5.1 Taking into account all of the above, the proposal is considered to be acceptable and in accordance with relevant policies, and it is therefore recommended that planning permission is granted subject to conditions.

RECOMMENDATION Permit

Conditions:

1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:
- 3626 03 A Proposed Ground Floor Plan and Block Plan received 9th May 2016

3 The use hereby permitted shall not take place other than between the hours of 8am and 11pm Monday to Saturday, and 8am and 10.30pm on Sundays.

4 Before the development commences a scheme shall be submitted to and agreed in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site. The noise mitigation scheme shall be implemented prior to use of the site. The scheme should be maintained and shall not be altered without the prior written approval of the local planning authority.

Reasons:

1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 For the sake of clarity as to which drawings compromise the scheme

3 To ensure that the proposed development does not cause undue nuisance and disturbance to neighbouring properties and to protect the amenity of the locality, in accordance with policies EVT2 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the principles of the National Planning Policy Framework (2012).

4 To ensure that the proposed development does not cause undue nuisance and disturbance to neighbouring properties and to protect the amenity of the locality, in accordance with policies EVT2 of the Tewkesbury Borough Local Plan to 2011 (March 2006) and the principles of the National Planning Policy Framework (2012).

Notes:

1 **Statement of Positive and Proactive Engagement**

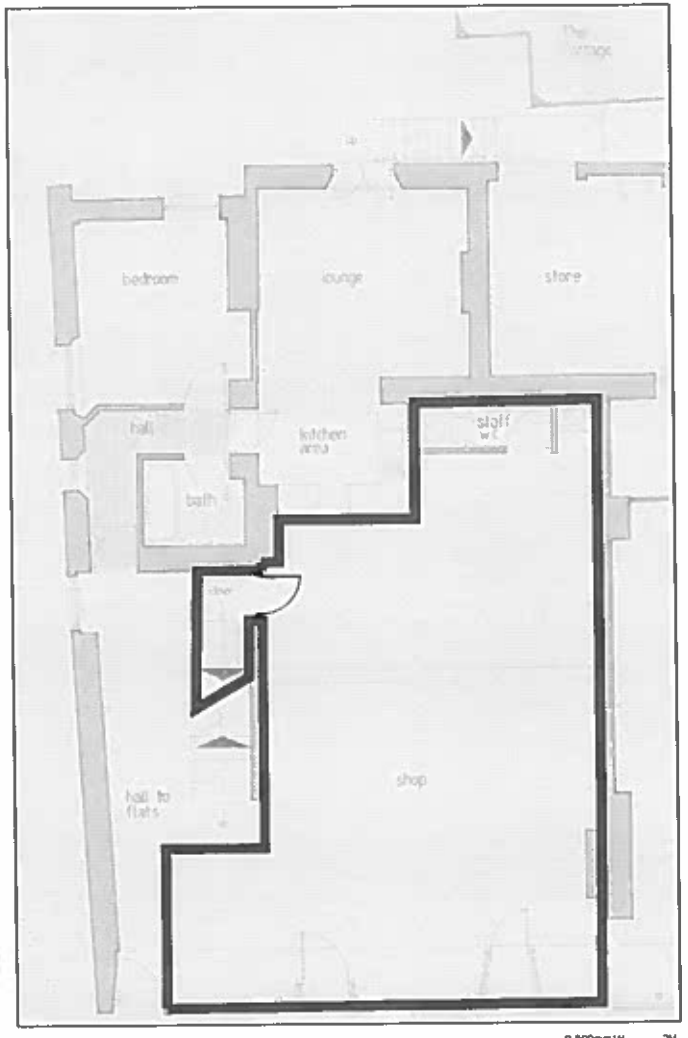
In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area.

2 It should be noted that works required to install CCTV and noise attenuation equipment are likely to require Listed Building Consent. New fascia signage may also require Listed Building Consent and Advertisement Consent.

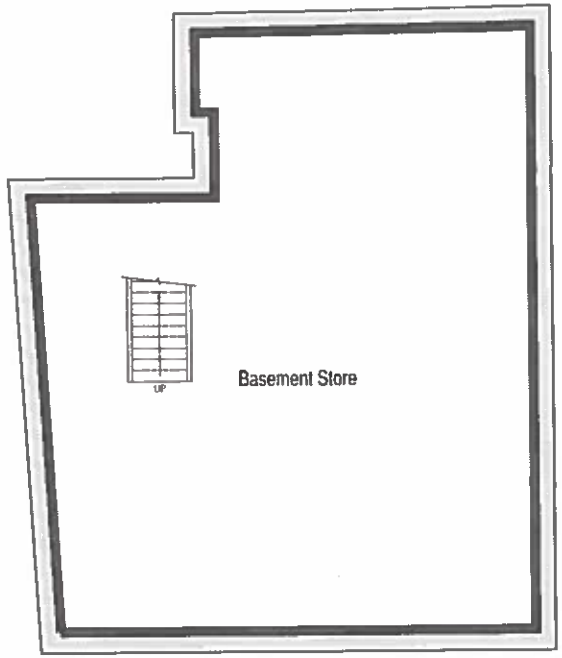
16/00008/FUL

5A

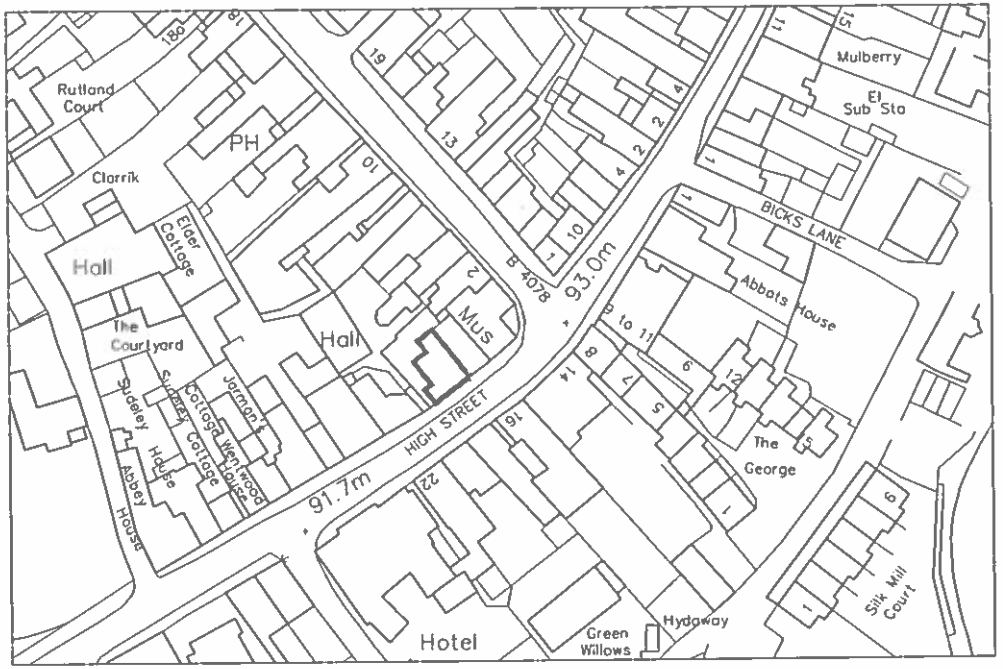
AERIAL PHOTOGRAPH



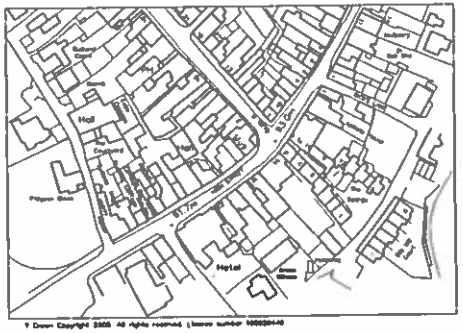
PROPOSED GROUND FLOOR PLAN 1:50



PROPOSED BASEMENT FLOOR PLAN



SITE BLOCK PLAN (1:500)



SITE LOCATION PLAN (1:1250)

Richard S. Baily

PROPOSED SHOP UNIT
[illegible]
HIGH STREET
[illegible]
GLOUCESTERSHIRE

PLANS

LEASE PLANS

16/00104/FUL **Part Parcel 3976, Teddington, Tewkesbury** **2**

Valid 16.02.2016
Grid Ref 396393 232763
Parish Teddington
Ward Isbourne

Erection of agricultural barn

Mr Chris Burton
Bumble Cottage
Teddington
Tewkesbury
Gloucestershire
GL20 8JA

RECOMMENDATION Permit

Policies and Constraints

Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies AGR5, TPT1
Joint Core Strategy Submission Version - November 2014 - Policy SD8
National Planning Policy Framework
Planning Practice Guidance
AONB

Consultations and Representations

Parish - Comments on initial plans - The Parish is inclined not to support this application and has the following comments to make:

- the barn is as close as it could be to neighbouring dwellings and also St. Nicholas grade 1 listed building. If it was moved further up the field, still on the lower flat part, it would be a more acceptable distance from all properties. This building will not enhance the environment in this Area of Outstanding Natural Beauty.
- this barn is very large for the size of the plot, in all dimensions. Its height would make it a very intrusive feature in the landscape.
- although the proposed style of barn is similar to others in the area, barns in the immediate proximity are constructed differently in green corrugated material. This construction would be more in keeping with the area and less intrusive.
- there are concerns over lighting for the barn. There is potential for light pollution if mains electricity is connected. Even if only a generator is used at lambing time, this would cause disturbance to nearby houses, especially at night.
- due to the proximity of nearby homes, there needs to be some guarantee that all animal waste would be removed from site and not allowed to accumulate.

Parish - revised plans - There are still objections made by residents to the general size proposed for this barn. We do appreciate that the applicant has made efforts to reduce the height of the building. Since our previous comments on this application, we realise that moving the barn further down the field would be more intrusive to neighbours. Also, the suggestion of wood siding is preferable to green tin. All previous comments still stand.

If the applicant was to be granted planning permission, we would wish there to be certain conditions attached. These would be that the land should be used for agricultural use and grazing of the applicants own horses only. No commercial use should be permitted, included livery. No lighting should be installed, other than that approved in writing by the local planning authority. Details for removal of soiled bedding should be submitted to the local planning authority. There should be no parking of vehicles on site. No other structures should be stationed on the site without prior approval.

Environmental Health - No adverse comments to make.

County Highways - No highway objection subject to a suitably worded condition being attached to any permission granted restricting the use of the building to the land and/or applicant. The land can currently be used for agricultural purposes including animal grazing without the benefit of planning permission, therefore in planning terms, the land could be generating trips in its own right. An agricultural building in this location will only serve to reduce the amount of trips to and from the locality by storing machinery, hay and other related paraphernalia as well as occasional animal sheltering, if this building was not erected, and the land

was used for agricultural purposes, all related equipment would have to be transported to the site on a daily basis, as the land could already be used for the related agricultural activities under PD rights, trips to and from the site which may be associated with the proposal for agricultural purposes through this application cannot be considered. It is reasonable to attach a condition to ensure that the building is only used in association with this land, this is to ensure that equipment or materials are not stored in this location and transported to other locations.

Conservation Officer - No objection

The application site is some 110m south-west of the medieval Church of St Nicholas (NHLE ref 1340161), a Grade I listed building which also contains a number of listed monuments within its churchyard. The approach to the church is from the north, and whilst there is some intervisibility with the application site from the south-western corner of the churchyard, it is considered that these views are largely incidental and the proposal will not have any substantial impact on the setting of the designated heritage assets.

Local Residents: Approximately 9 objections have been received from local residents which are summarised as follows:

- The plans are inaccurate, the application contains errors and does not accurately demonstrate the size of the proposal (officer note - amended plans were subsequently submitted by the applicant).
- The proposal is too large.
- The new barn is almost the same footprint as Teddington Church.
- If the field was still owned by Vine Tree Farm then sufficient barn and storage facilities would already exist.
- The existing barns of Vine Tree Farm are being left to rot.
- The application is creeping stealth development.
- The planned size of the barn will have a significant impact on the landscape in the AONB.
- There is currently no structure in this location and its purpose and necessity is questionable.
- The size of the building is disproportionate to potential needs for livestock and storage and the size of the landholding. A smaller building would be more adequate for the purpose.
- The applicant should share storage facilities which have been erected on surrounding land parcels. There is already adequate storage.
- The barn will impact on the privacy of the bordering properties which will be badly affected.
- When the land was sold as parcels it was not expected that each parcel would gain permission for its own barn. The cumulative effect will change the character of the area.
- There is already adequate storage in the area.
- The impact of development in this area has been harmful to the quality of the footpaths, accessibility to the hills and the AONB.
- The proposed barn is too close to existing houses and the grade 1 listed church.
- The proposal is in open countryside and would be clearly visible from the village.
- The proposed barn would obscure the view of the church from Oxenton Hill which may contravene its grade 1 listed status.
- The proposed cladding to the exterior contrasts with the church and the surrounding houses.
- The drainage system is inadequate to dispose of foul water and waste products.
- There is no benefit arising from this application for the village or its inhabitants.
- Electricity serving the barn would result in light intrusion in an undeveloped area.
- Certainty needs to be provided on the location of the barn and the distance between garden boundaries.
- The plot is no longer a farm but amenity land.
- There is no need for the proposed barn.

Local Residents: Approximately 8 comments have been received in support of the application which are summarised as follows:

- The land is next to a public footpath and its goods to see it in use and not left in disarray as before.
- It's good to see the land being utilised for what it is intended for and can only see benefits for the future. Its only by supporting rural uses that the area will retain its rural nature.
- Pleased to see thought has been put into construction materials and timber side will blend into area well.
- The proposal will enhance the immediate area.
- Whilst the hillside has changed, its important to allow its owners to now cultivate the area.
- Good to see hillside enjoyed and used by the community and local residents protecting the land.
- The applicant has reduced the impact of the barn by reducing the height.

Planning Officers Comments: Paul Instone

1.0 Introduction

1.1 This application relates to a site to the south of the village of Teddington. The land to which the application relates extends to 3.15 hectares, with access provided off Gander Lane. The site and surrounding landscape is within the Cotswold Area of Outstanding Natural Beauty (AONB) and a Special Landscape Area (SLA) and a Public Right of Way (PRoW) runs adjacent to the west of the site. The land to which the application relates slopes upwards from north to south, and the south of the site is at an elevated position in comparison to the village of Teddington to the north. The proposed barn would be located in the north east part of the application site which is flat and at a lower level than the south of the site.

1.2 The land to which this application relates is formerly part of Vine Tree Farm, on Oxenton Hill which has been divided and sold as separate land parcels.

2.0 Relevant Planning History

Application Site

2.1 Agricultural Determination (ref:- 15/01338/AGR) for agricultural barn. Confirmation planning application required. January 2016.

Adjacent Sites

2.2 On 3rd February 2015, planning permission was granted under application reference (ref: 14/01119/FUL) for the upgrading of an existing agricultural track.

2.3 An application for the erection of a field shelter/stable was approved planning permission under application reference (ref:- 15/00571/FUL) on 1st September 2015. The field shelter/stable is located approximately 240 metres to the south west of the application site on higher ground.

2.4 An application (ref:- 15/00587/FUL) for the erection of stabling for an Alpaca breeding herd on a site on higher ground approximately 300 metres to the south of the proposed barn was refused in September 2015. The reason for refusal was:

The impact of the proposal has been carefully assessed and it is considered that the proposed stabling building, by virtue of its size and massing and its location in an elevated and exposed position, would appear overly prominent, visually intrusive and out of keeping with the surrounding environment and would have a detrimental impact on the character and appearance of the Cotswolds Area of Outstanding Natural Beauty. As such this would be in conflict with the NPPF and Policy SD8 of the JCS (Submission Version).

2.5 An appeal (ref: APP/G1360/W/15/3137081) against refusal of application (ref:- 15/00587/FUL) was subsequently allowed in March 2016. In allowing the appeal, the Inspector considered that:

'the scale, siting and size of the proposal would not be overly prominent, intrusive or out of keeping with the rural landscape, or harmful to the Cotswolds AONB. There would be no conflict with national planning policy which seeks to protect such areas, or with the objectives of Policy SD8 of the emerging JCSSV'.

3.0 Current Application

3.1 The application seeks planning permission for the erection of a barn to support the agricultural operation of the site. The application is supported by an Agricultural Purposes Questionnaire. It is the applicant's stated intention that the proposed barn would primarily be used for storage of agricultural equipment and to provide a dry well ventilated area for livestock especially at lambing time. The applicant also intends to make hay and the barn would be used for hay storage.

3.2 The proposed barn would be rectangular and the footprint would measure 18.3 metres by 9.15 metres providing a floorspace of approximately 167 sq m. The barn would have a pitched roof with a ridge height of approximately 4.57 metres and an eaves height of approximately 3.05 metres. The roof of the barn would overhang the walls and the length of the roof would be 19.3 metres and the width 9.95 metres. The proposed barn would have wood sidings to elevations and a juniper green profiled metal clad roof. The barn would be accessed via the existing track.

3.3 Amended plans have been submitted and the ridge height of the proposed barn has been reduced by the applicant from 5.12 metres to 4.57 metres further to concerns raised by the Parish Council and planning officers.

4.0 Policy Context

4.1 Paragraph 115 of the NPPF states that 'great weight' should be given to conserving the landscape and scenic beauty of the AONB. Policy SD8 of the JCS (Submission Version) seeks to conserve and, where appropriate, enhance the landscape, scenic beauty, wildlife, cultural heritage and other special qualities of the Cotswolds AONB.

4.2 Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes. If follows that great weight should be given to conserving the landscape and scenic beauty of Areas of Outstanding Natural Beauty.

4.3 Section 12 of the NPPF (Conserving and enhancing the historic environment) sets out that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation.

4.4 Policy AGR5 (New Agricultural Buildings) of the Local Plan states that proposals for the erection of agricultural buildings will be permitted provided that the proposed development is well related to existing building in order to minimise adverse impact on the visual amenity of the area paying particular regard to the AONB and SLA. Proposal should also be sympathetically designed and have adequate operational access.

4.5 Policy TPT1 (Access for Development) of the Local Plan sets out that development will be permitted where provision is made for safe and convenient access and where there is an appropriate level of public transport service and infrastructure available.

4.6 Policy SD8 of the Joint Core Strategy (Submission Version) states that all development proposals in the AONB, should conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities.

4.7 The above local and emerging plan policies are considered to be consistent with the NPPF.

5.0 Analysis

Visual Impact on AONB

5.1 The application site is located in the Cotswolds AONB and is therefore in an area of high landscape sensitivity. The proposed barn would be located in the north west corner of the application site. The barn would be located in the part of the site which is nearest to existing agricultural buildings and is adjacent to a hedgerow/trees which lie to the west. The part of the site where the barn is proposed is relatively flat before land levels rise to the south.

5.2 It is considered that by virtue of the positioning and height of the proposed barn, that whilst the building would be visible from the north and west as well as from residential dwellings to the east which border the application site, it is considered that the barn would not be prominent given the established boundary treatments which would help to assimilate it into the landscape, as well as a backdrop of existing agricultural buildings. The structure would be visible from the adjacent PRoW but it is considered that the proposal would not be overly prominent, intrusive or out of keeping with the rural landscape.

5.3 Overall it is not considered that the proposed barn would result in significant visual harm to wider AONB landscape due to its siting and design. The proposed barn is of a design which is common in such AONB locations and the external materials can be controlled through relevant conditions. It is not considered that the proposal would result in an unacceptable impact in landscape terms that would warrant the refusal of the application. It is considered that the application meets the requirements set out in Policy AGR5 of the Local Plan and Section 11 of the NPPF.

Impact on the Historic Environment

5.4 Section 66(1)of the Planning (Listed Building and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for development which affects a listed building or its setting, special regard should be had to the desirability of preserving the building or its setting, or any features of

special architectural or historic interest that it possesses. National Planning Policy on heritage assets, which includes listed buildings is set out in NPPF. The Framework advises that the significance of a heritage asset can be harmed or lost through development within it's setting.

5.5 The application site is approximately 110m west of the medieval Church of St Nicholas a Grade I listed building which also contains a number of listed monuments within its churchyard. The Council's Conservation Officer has been consulted on the application and considers that whilst there is some intervisibility with the application site from the south-western corner of the churchyard, these views are largely incidental and the proposal will not have any substantial impact on the setting of the designated heritage assets.

5.6 It is therefore considered that the proposed development will not adversely affect the setting of the listed building, and the proposal is acceptable in this respect and there is no conflict with national planning policy.

Impact on Residential Amenity

5.7 The proposed barn would be located approximately 120 metres to the west of residential dwellings. Given the separation distance and the likely traffic movements, it is not considered that the proposed barn would give rise to a detrimental impact on residential amenities. However, it is considered necessary to impose a condition on lighting on the proposed barn to protected the amenities of residents.

Highway Impact

5.8 The upgrading of the agricultural track does not form part of this application, as this was approved under application (ref:- 14/01119/FUL) in February 2015. The proposed barn would be accessed via this track.

5.9 An agricultural building in this location will only serve to reduce the amount of trips to and from the locality by storing machinery, hay and other related paraphernalia as well as occasional animal sheltering. If this building was not erected, and the land was used for agricultural purposes, all related equipment would have to be regularly transported to the site.

5.10 It is recommended a condition is imposed to ensure that the building is only used in association with agricultural use and not for any commercial purpose.

Need for the Development

5.11 Concern has been expressed regarding the need for the development and the size of the proposed barn. The applicant has submitted a 'Development for Agricultural Purposes Application Form' which states that the barn is needed for equipment storage, sheep pens and the storage of hay. It is noted that the applicant has reduced the height of the proposed barn at the request of local authority and it is considered that the proposed footprint is appropriate for the applicant's agricultural requirements.

6.0 Conclusion

6.1 It is considered that the proposed development would have an acceptable design and have an appropriate impact on the AONB landscape. The proposals are also considered to have an acceptable impact on the existing highway and surrounding residential amenity. In light of the above, the application is recommended for permit.

RECOMMENDATION Permit

Conditions:

1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:
- General Arrangements Drawings - Elevations - Revision Received 20th April 2016
- General Arrangement Drawings - Plans (Roof Plan and Site Plan) - Revision Received 15th Feb 2016

3 The development hereby permitted shall only be used for agricultural use and the storage of associated equipment and feed and shall at no time be used for any commercial purpose (other than agriculture) whatsoever, including for livery.

4 No external lighting shall be installed on this site except in accordance with full details which have first been submitted to and approved in writing by the Local Planning Authority. All lighting shall thereafter be maintained in accordance with the details so approved.

5 The storage of manure and soiled bedding shall only be carried out in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The details shall include the location of such storage and its disposal from site (including frequency). No storage of manure and soiled bedding shall take place outside of a storage area approved under this condition.

6 The proposed external timber shall not be stained or painted and shall be left to weather naturally, unless otherwise approved in writing by the Local Planning Authority.

7 There shall be no parking of horse boxes, caravans, trailers or other vehicles overnight on the site.

8 No portable buildings, van bodies, trailers, vehicles or other structures used for storage, shelter, rest or refreshment, shall be stationed on the site without the prior approval in writing of the Local Planning Authority.

Reasons:

1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 For the sake of clarity as to which drawings compromise the scheme

3 To ensure that no commercial business is established without the further consideration of the Local Planning Authority in the interests of highway safety and residential amenity

4 To minimise light pollution in order to protect the AONB, residential amenity and the rural landscape.

5 In the interests of public health and safety, in order to protect the natural environment and prevent pollution.

6 In order to protect the visual amenity of the rural landscape.

7 In order to protect the AONB and the rural landscape.

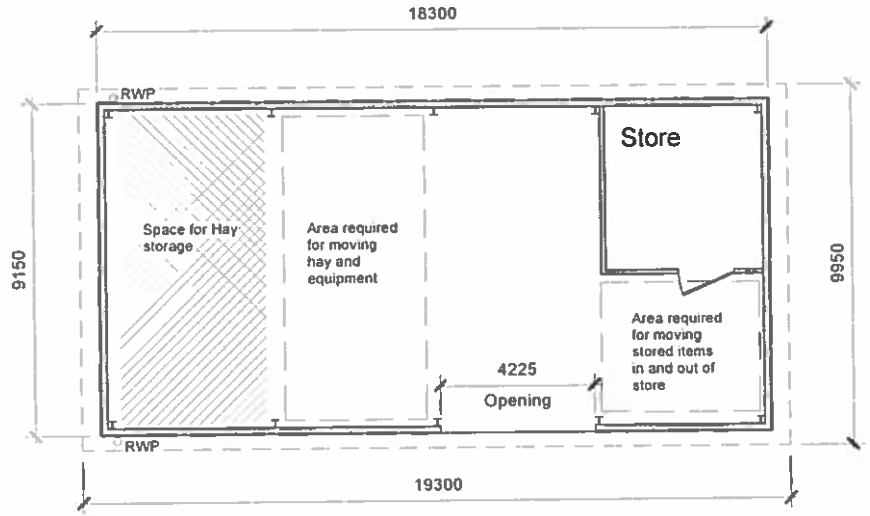
8 In order to protect the AONB and the rural landscape.

Note:

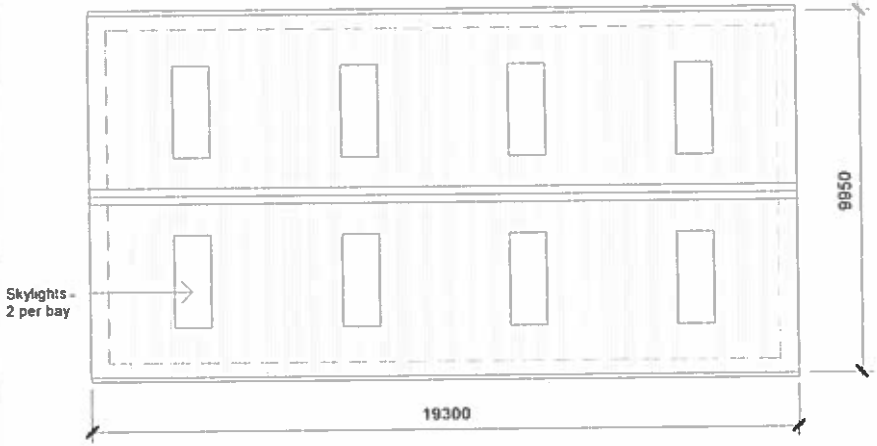
Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating with the size of the barn with the applicant.

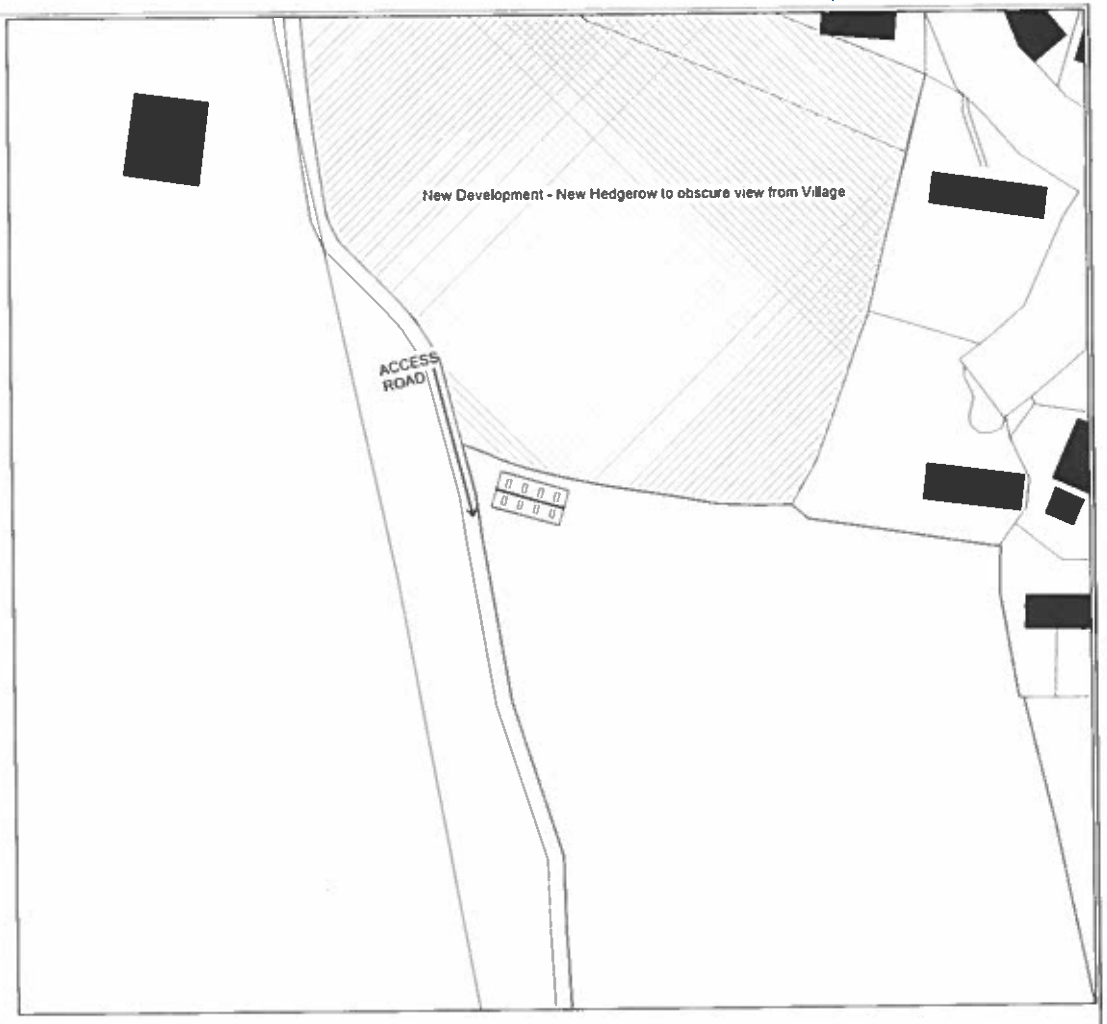
16/00104/FUL



Ground Plan - As Proposed
Scale 1:200



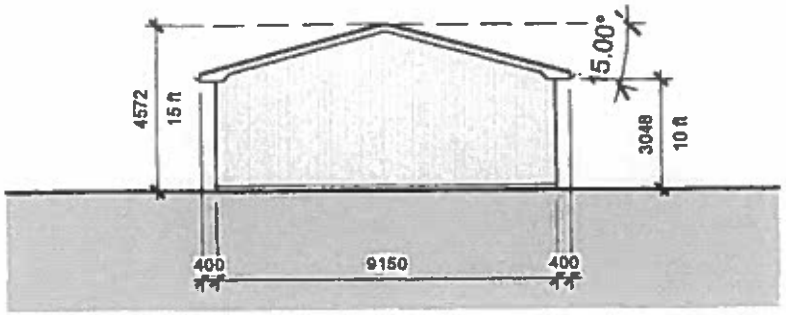
Roof Plan - As Proposed
Scale 1:200



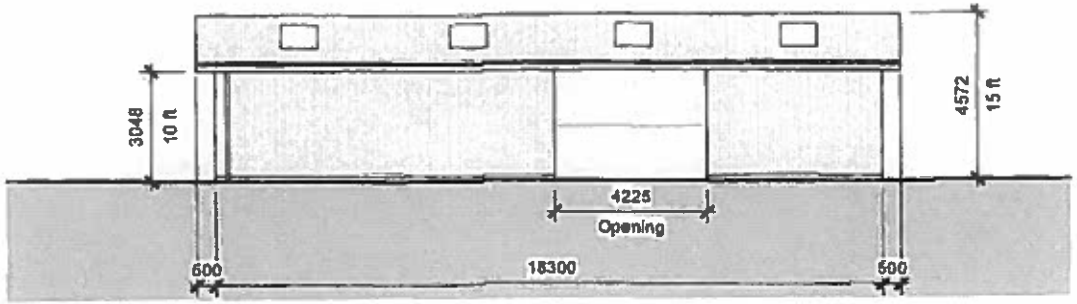
Site Plan - As Proposed
Scale 1:2000

A11

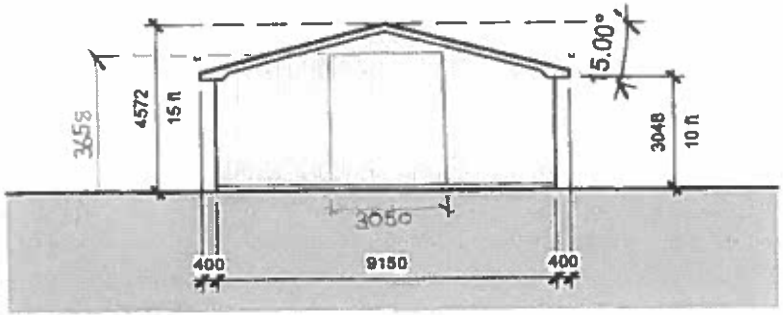
General Arrangement Drawings - Plans	Scale:As indicated @ A4	Project: Ash View
	Address: Ash View	



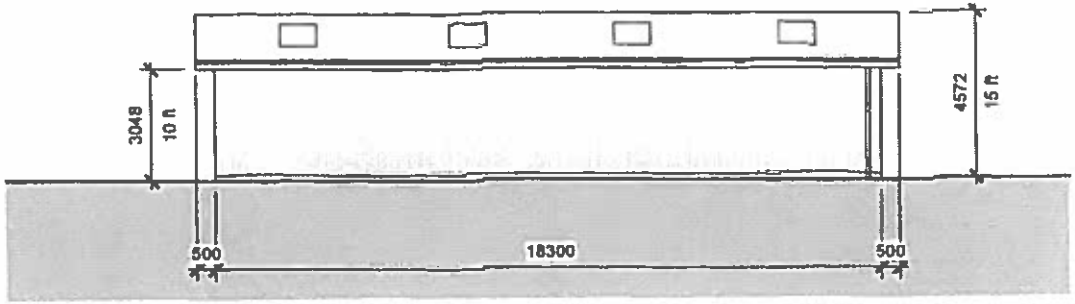
Elevation Side 01 - As Proposed
Scale 1:200



Elevation Front - As Proposed
Scale 1:200



Elevation Side 02 - As Proposed
Scale 1:200



Elevation Rear - As Proposed
Scale 1:200

Wood Siding to elevations
As per pre app discussion
and local vernacular

Juniper green profiled metal roof
As per pre app discussion
and local vernacular

General Arrangement Drawings - Elevations	Scale: 1 : 200 @ A4	Project: Ash View
	Address: Ash View	

9/11

16/00207/FUL **Outbuildings, The Old Vicarage, Stanley Pontlarge** **3**

Valid 18.04.2016
Grid Ref 399926 230220
Parish Prescott
Ward Cleeve Hill

Alterations and conversion of outbuildings to self-contained dwelling

Mr & Mrs Dean
The Old Vicarage
Stanley Pontlarge
Winchcombe
GL54 5HD

RECOMMENDATION Permit

Policies and Constraints

NPPF
PPG
Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies AGR6, AGR7, TPT1
Grade II Listed Building
Adjoining Grade II* Listed Church
Cotswolds Area of Outstanding Natural Beauty (AONB)
Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Parish Council - No comments or objections to application.
Historic England - Application should be determined in accordance with national and local policy guidance and on the basis of your expert conservation advice.
Conservation Officer - The amendments address the main issues which were identified in the initial application so the scheme is acceptable in conservation terms. It might have been preferable for the eastern (garage) bay to be infilled with a door/window configuration to match the other bays, but these are not themselves original, and the building can stand a little inconsistency.
A letter has been received from a neighbouring resident objection to the proposal on the following grounds:

- Not given advance notice of application
- Approving the application would be detrimental to the special rural atmosphere and amenity of this ancient agricultural hamlet and its AONB setting.
- Such development would damage the rural atmosphere, exacerbate already difficult parking problems, particularly on church days and further suburbanise the hamlet.
- Stanley Pontlarge is a tranquil, small hamlet and this development will upset the balance of the existing rural setting and aesthetics today, and in all likelihood if granted, beyond just this application through others in due course, degrade the Conservation Area protection.
- The design and access statement is inadequate and does not consider in sufficient detail the effect of the development on the Conservation Area and its setting in relation to the adjacent ancient and listed buildings. The proposed separation of the outbuildings to form a separate dwelling apart from its current 'parent' The Old Vicarage, will leave a substantial property with no garaging or outbuildings servicing it. The future likelihood is therefore that further planning and development of the conservation area is highly likely in relation to this property, by either the current tenants or future owners in redressing this point. It is inconceivable that such a prestige property could function without such amenity, as evidenced by the use the current tenants have made of the outbuildings over at least the last 12 year history.
- The proposed future and main access point for The Old Vicarage and the proposal to use this as both the new and sole entrance for all access and all vehicle types to the residence, is out of keeping in retaining the character of the hamlet within the Conservation Area and sets a precedent for future planning development.
- The proposed changes to curtail the existing and long established main point of vehicular access to The Old Vicarage (the main house), will leave only limited access to the property in future via a narrow ancillary gate that is dissected by a public footpath. The ancillary access is insufficient, as demonstrated by the current owners who do not use it as their main access but for "gardening works" notwithstanding the implications forced through the change of use on any persons using this footpath, of which there are many on a weekly basis.

- Parish use of the Church has long benefitted from the goodwill of local residents in aiding the parking when attending services. The proposed development would remove or curtail these benefits and whilst they are today given under 'goodwill' it is a concern that the lack of parking would severely impact on the safe and viable continued use by parishioners.
- With water a scarce resource in Stanley Pontlarge and regular examples of it running out, this application makes no attempt to resolve or aid this issue given the demand a further house would place on it.
- Other recent applications have in their application proposed solutions to the water issue, this one does not and the concern is that further development of the hamlet will put undue stress on an already restricted supply.

4 Letters of support on the following grounds:

- Like to see old buildings having investment put into them in a sympathetic manner, it can only be a good thing for our small community to have it being cared for and made useful. The alternative is often that older buildings become neglected and ultimately that reflects on the long term prospects of a small hamlet, such as ours.
- It would allow the applicants to down size and extends their residency in Stanley Pontlarge, such tenures are the life blood of small rural communities.
- Old buildings deteriorate with time. To enable them to remain as part of our landscape they need to be sympathetically restored, which will ensure the visual attractiveness of our small hamlet remains.
- This application will protect and preserve this old building and will further enhance and enrich our very small community.
- Use is supported as the building is now redundant
- No detrimental effect on the AONB
- Open aspect and the wider landscape would remain

2 letters have been received from the applicant making the following points:

- CPRE support the application.
- Stanley Pontlarge is not in a Conservation Area.
- Historic England and National Conservation Guidelines, support the principle that conversions of barns such as this can be a suitable use for the preservation of protected buildings which may otherwise fall into disrepair and detract from the landscape. The exterior and surroundings of this barn will be preserved after the change of use, continuing to enhance the landscape. "The Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives.....Policies for development and listed building controls should recognise the need for flexibility where new uses have to be considered to secure a building's survival."
- The south gate is, and has always been, the entrance to the main driveway to the house. This entrance has always been, is, and will remain, in constant use whether or not this application is successful.
- There is ample parking via this entrance for multiple cars. The use of this entrance does not impact upon the church. The lower, north, gate, which will provide the entrance to the driveway to the converted barn, was traditionally used to access the farmyard, piggeries and barn when the property was farmed by its previous owner.
- The hamlet has 5 houses and just one had objected. Have also received letters of support.

(NB: Some correspondence received refers only to the listed building application but these have been taken into account for the identical planning application.)

This application is required to be determined by the Planning Committee as the applicant is a Borough Councillor.

Planning Officers Comments: Miss Joan Desmond

1.0 Introduction

1.1 The site is located within the hamlet of Stanley Pontlarge which lies within the Cotswolds AONB. The site comprises a Grade II listed outbuilding which forms part of the curtilage of The Old Vicarage. The outbuilding adjoins the church which is Grade II* listed to the south and adjoins a dwelling house to the north **(see attached location plan)**.

2.0 History

2.1 Planning permission was refused for alterations to the barn to provide a dwelling in 1986 and these decisions were subsequently dismissed on appeal.

2.2 Planning permission and listed building consent was granted the conversion of the cart shed to provide ancillary residential accommodation in 1989.

2.3 Listed Building Consent was granted to carefully dismantle and rebuild the lean-to to the west end of the barn in 2011.

3.0 Current Application

3.1 This application seeks to alter and convert the outbuilding to provide a self-contained dwelling unit. Amended plans have been submitted to extend the site area to include additional amenity land to the east to serve the converted outbuilding **(see attached plans)**. An application for listed building consent has also been submitted (Ref; 16/00208/LBC) which also appears on the schedule.

4.0 Policy Context

4.1 One of the core planning principles of the NPPF is to encourage the reuse of existing resources, including conversion of existing buildings. In terms of residential use in the countryside, the NPPF supports the re-use of redundant or disused buildings where the development would lead to an enhancement to the immediate setting and where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.

4.2 Section 15 states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty which has the highest status of protection in relation to landscape and scenic beauty.

4.3 Policy AGR6 of the local plan also supports the re-use of rural buildings particularly employment uses, holiday accommodation and community uses subject to no adverse impact on the quality of the rural environment or residential amenity. In the AONB particular emphasis is placed on ensuring that the proposal does not conflict with the overall aims of its designation in terms of protecting its landscape quality. Policy AGR6 also requires buildings to be capable of conversion without major or complete reconstruction and to be in keeping with their surroundings. Policy AGR7 further requires that converted buildings retain their character without substantial alteration.

4.4 Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 require Authorities to have special regard to the desirability of preserving any listed building or its setting or any features of architectural or historic interest. These requirements are also set out at paragraphs 126 and 131 of the NPPF. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It also advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Furthermore, the NPPF states that, where development will lead to substantial harm to or total loss of significance of a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. Paragraph 134 adds that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.5 Policy TPT1 of the local plan seek to reduce the need to travel by car and promote alternative modes of transport and seeks to ensure that highway access can be provided to an appropriate standard which would not adversely affect the safety or satisfactory operation of the highway network, nor cause an unacceptable loss of amenity to users of adjacent land.

4.6 The above local plan policies in respect of promoting sustainable development and conserving the natural and historic environment are considered to be consistent with the NPPF and are therefore considered to have considerable weight. The reduced weight to be given to part of Policy AGR6 in respect of alternative uses for rural buildings is explained below.

5.0 Analysis

5.1 The main material considerations in respect of this application to convert the listed outbuilding to an alternative use is considered to be the impact of the development on the heritage assets; its landscape impact and highway considerations.

Principle of permanent residential use

5.2 One of the core planning principles of the NPPF is to encourage the reuse of existing resources, including conversion of existing buildings. In terms of residential use in the countryside, the NPPF supports the re-use of redundant or disused buildings where the development would lead to an enhancement to the immediate setting. It is acknowledged that this advice now outweighs Policy AGR6 of the local plan which encourages alternative non-residential uses. In this case the building is already in use as ancillary residential accommodation serving The Old Vicarage (see history above) and as such the principle of a permanent residential use on this site may be acceptable subject to its impact on designated heritage assets and the Cotswolds AONB which is discussed in more detail below.

Impact on Heritage Assets

5.3 The proposed conversion scheme includes alterations to the outbuilding including the insertion of new windows into existing openings, replacement windows and doors and the installation of new external stairs on the east elevation of the building.

5.4 The scheme has been amended to address concerns raised by the Conservation Officer (CO) who has commented that the amendments address the main issues which were identified in the initial application so the scheme is acceptable in conservation terms. Whilst he considered that it might have been preferable for the eastern (garage) bay to be infilled with a door/window configuration to match the other bays, he acknowledges but these are not themselves original, and the building can stand a little inconsistency. As such the Conservation officer considers that the proposals preserve the listed building and its setting and thus raises no objection to the application.

5.5 The outbuilding adjoins a Grade II* listed Church and the present setting for the building is low key. As detailed above in the planning history planning permission has previously been refused and dismissed on appeal for the use of the outbuilding as a separate dwelling in 1986. The reason for refusal was on the grounds that the proposed alterations would be out of character for this site adjoining a Grade II* Historic church and as such would have a materially adverse effect on its setting. The appeal Inspector agreed with this view and concluded that the proposed development would intrude upon the views of the Church and seriously detract from the rural quality of its setting. This scheme involved considerable changes to the external fabric of the building and in terms of the setting of the Church the inspector commented that *'In my view, the presence of a house and garden here would intrude upon the views of the church and seriously detract from the rural quality of its setting. Seclusion is also important for this building, which is in regular use, and the activities of a household, so close by, would be sure to impinge upon the peace and quiet that visitors and regular worshippers expect to find in and around a rural church and churchyard.'*

5.6 This scheme proposes a more sympathetic conversion scheme with minimal changes to the building. An important material change in circumstances is also its existing use for ancillary residential purposes (A use permitted in 1989). The access and parking area fronting the outbuilding is presently used by the occupants of the Old Vicarage and the building is presently used to provide garaging and storage use. The application proposes that an alternative access would be used for the Old Vicarage so that the existing access would still only serve one property. The CO does not consider that the proposal would intrude on the chapel and on the face of it, he considers that the proposal should entail little change. Historic England has also raised no objection to the application. On the basis of the above it is considered that the proposals would preserve the listed building and its setting, and the setting of nearby listed buildings.

Effect on landscape character and visual amenity of the area

5.7 As identified the site is already in residential use but it is necessary to consider the impact of the intensification of such a use on the landscape given the likely increase in domestic paraphernalia including the proposed boundary treatment. The application has been amended to include additional land to the east of the outbuilding. This land is presently being used in association with the residential enjoyment of the Old Vicarage. A new post and rail fence with hedge planting is proposed along the eastern boundary to separate the site from the Old Vicarage and existing planting presently screens the site to the south. The existing access and parking area would remain unchanged.

5.8 Given the existing use of the land, sympathetic conversion scheme and proposed boundary treatment it is not considered that the proposed development would have an adverse impact on the character and appearance of the area. A condition is however recommended removing certain permitted development rights in order to protect the landscape and setting of the heritage assets.

Highway Safety

5.9 Section 4 of the NPPF states that decisions should take account of whether safe and suitable highway access is provided and that development should only be prevented or refused on transport grounds where the residual cumulative impact of development are severe. Local Plan Policy TPT1 also seeks to ensure that new development is not detrimental to highway safety.

5.10 Concerns have been raised by a local resident in respect of the access arrangements and parking for both the proposed development and the old Vicarage. These arrangements however, as detailed above would remain relatively unchanged. The existing access arrangements to the site would remain unchanged and the plans indicate that the alternative access serving The Old Vicarage would be used with an existing parking area extended to provide turning space. Such works would be permitted development. The development would not result in a significant increase in traffic movements and the access arrangements are considered to be acceptable. As such it is considered that the proposed development would be acceptable in highway safety terms.

Other issues

5.11 It is not considered that the development would result in an adverse impact on surrounding residential amenity. Other concerns raised such as the scarcity of water resources and lack of parking for the church are not matters considered to be relevant to the determination of this application.

6.0 Conclusion

6.1 The NPPF encourages the reuse of building for alternative uses, including residential use. The application proposes a sympathetic conversion scheme with minimal changes to the listed building. Given the existing use of the land, sympathetic conversion scheme and proposed boundary treatment it is not considered that the proposed development would have an adverse impact on the character and appearance of the area, the listed building or its setting, or the setting of other heritage assets including the adjoining Grade II* listed church. The development would also be acceptable in highway safety terms. For these reasons the proposal accords with the NPPF and Policies AGR6, AGR7 and TPT1 of the Tewkesbury Borough Local Plan. The application is this recommended for **Permit.**

RECOMMENDATION Permit

Conditions:

1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2 The development hereby permitted shall be carried out in accordance with the following approved plans: 16:1774:SP02A; 16:1774:08A; 16:1774:06A; 16:1774:07A; 16:1774:09A; and 16:1774: G/H.

3 All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

4 No work shall start until detailed drawings of the proposed external joinery, including elevations and sections, have been submitted to and approved in writing by the Local Planning Authority and the fitted joinery shall be in accordance with the approved drawings. The elevations shall be at a minimum scale of 1:20 and the sections shall be at a minimum scale of 1:5 and shall indicate moulding profiles at full size.

5 All windows and doors shall be treated in a method and finish to be approved in writing by the Local Planning Authority and shall thereafter be maintained in the approved finish unless an alternative is agreed in writing by the Local Planning Authority.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no alteration of the building shall be carried out and no private car garages, extensions, garden sheds, gates, fences, walls, other means of enclosure or structures of any kind (other than any hereby permitted) shall be erected or constructed on this site without the prior express permission of the Local Planning Authority.

Reasons:

1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2 To ensure that the development permitted is carried out in accordance with the approved plans.

3 To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy LND7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

4 To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with the NPPF.

5 To safeguard the traditional appearance and character of the building in accordance with the NPPF and Policy AGR7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

6 To safeguard the traditional appearance and character of the building, its setting and the character and appearance of the landscape to accord with the NPPF and Policy AGR7 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Note:

Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating to secure a more sympathetic conversion scheme.

16/00207/FUL
16/00208/LBC

O.S.MASTERMAP - 1:1250 SCALE

THE OLD VICARAGE
STANLEY PONTLARGE
CHELTENHAM
GL54 5HD

OS MasterMap 1250/2500/10000 scale
13 August 2015, ID: CM-00454909
www.centremapslive.co.uk

1:1250 scale print at A4, Centre: 399940 E, 230192 N

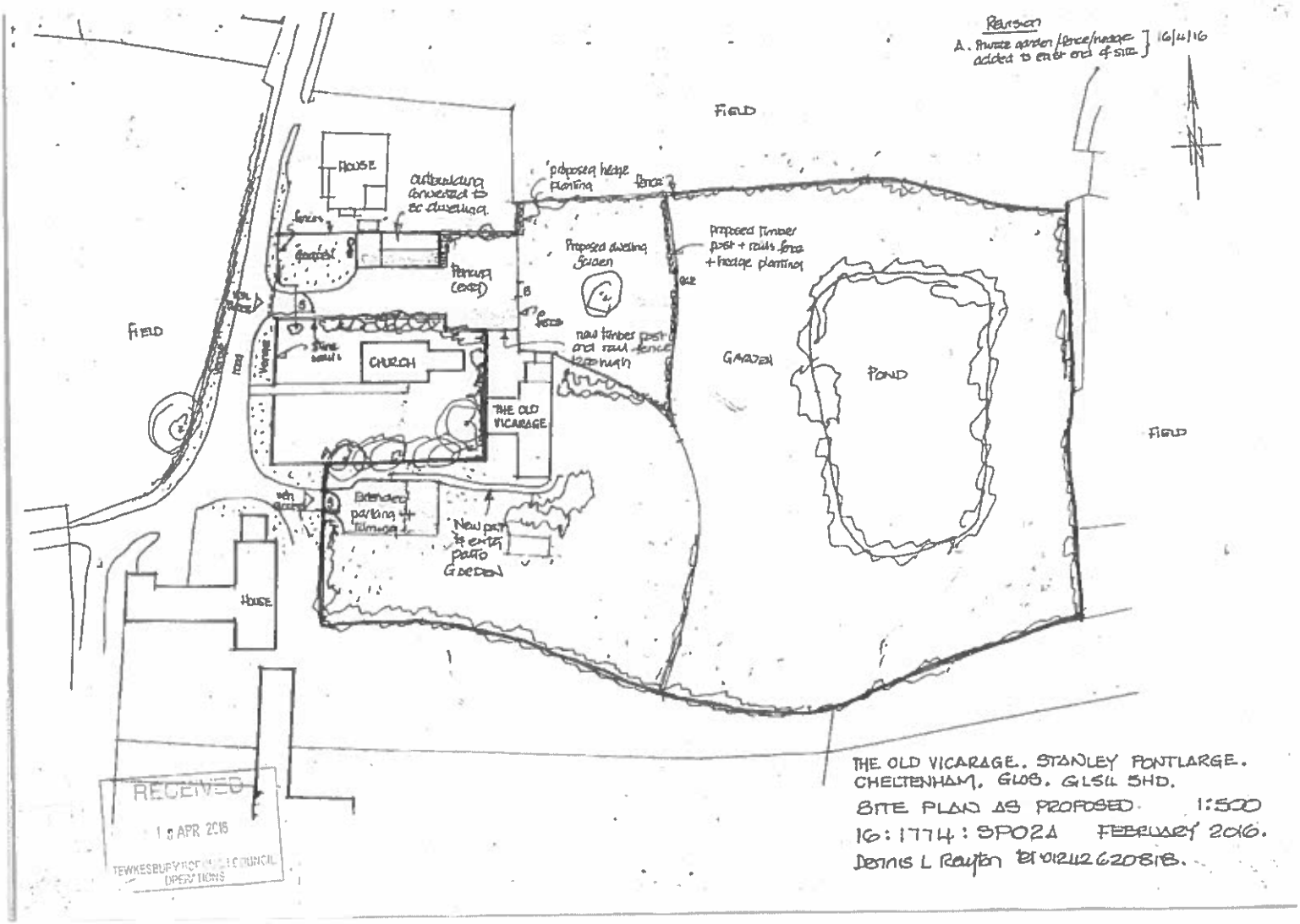
17/A

N

The Map Shop
Upton upon Severn
www.themapshop.co.uk

TEL: 01684 593146
FAX: 01684 594559
themapshop@btinternet.com

Mapping sourced from Ordnance Survey

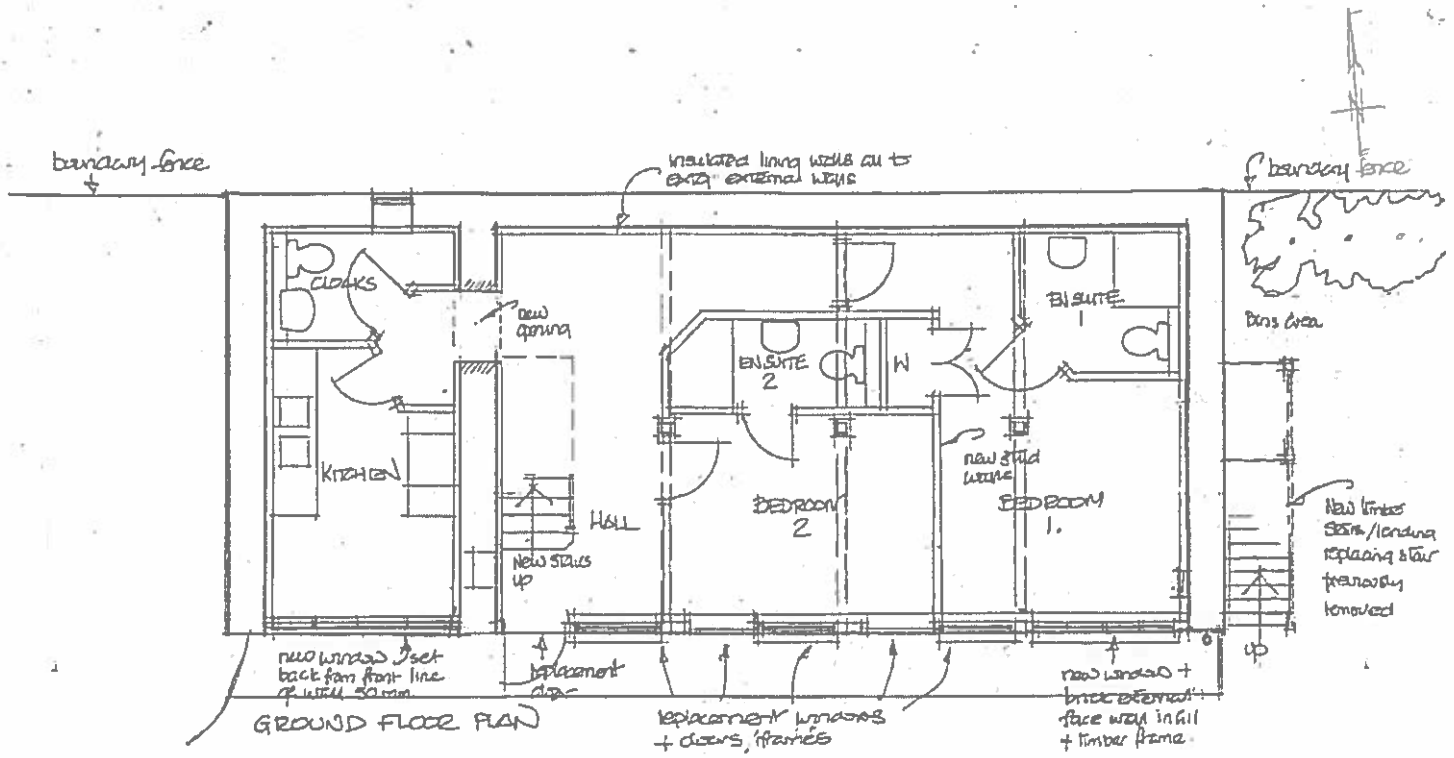


THE OLD VICARAGE. STANLEY PONTLARGE. CHELTENHAM. GLOS. GL54 5HD.

SITE PLAN AS PROPOSED 1:500

16:1774:SP02A FEBRUARY 2016.

Dennis L Rayton Tel 01242 620818.

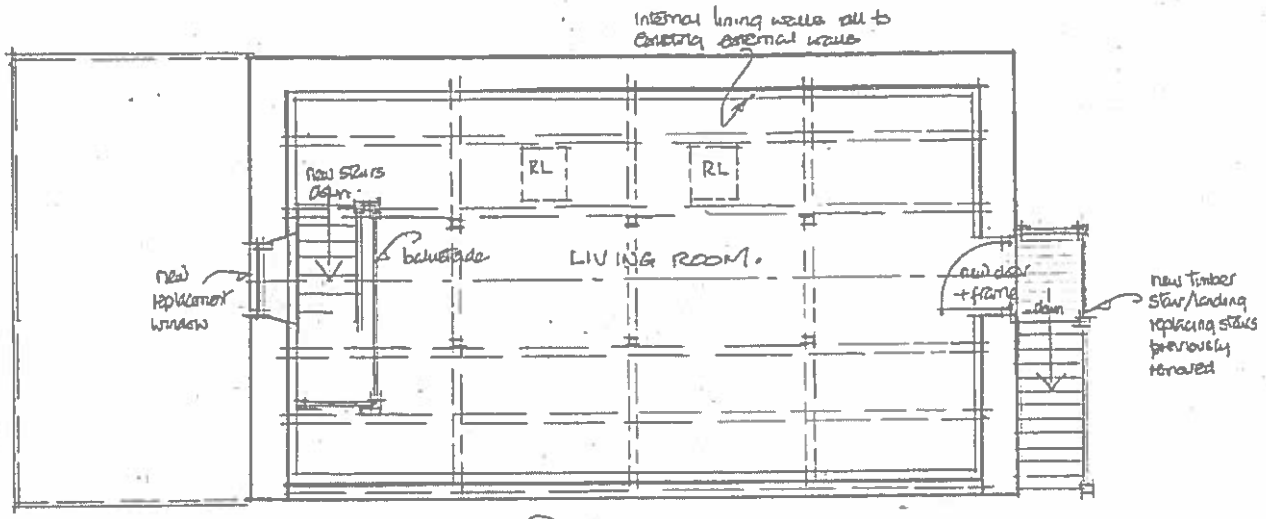


Revision

A. 1. External steps altered
2. Kitchen window recessed into opening.
3 Bed 1 east opening removed + south window changed. 16/4/16

THE OLD VICARAGE. STANLEY PONTLARGE. CHELTENHAM. GLOS. GL54 3HD.
OUTBUILDING G.F. PLAN AS PROPOSED 1:100
16: 1774: 06 A FEBRUARY 2016
Dennis L Rayton Tel. 01242 620818

17/C



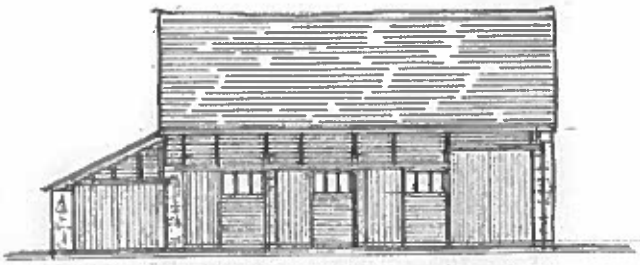
FIRST FLOOR PLAN.

Revision

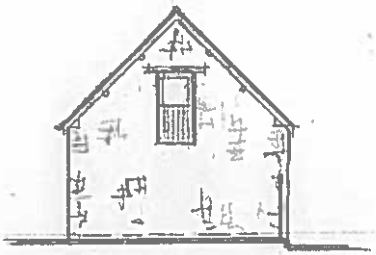
A External stairs altered
Proposed rooflights omitted
16.4.16

THE OLD VICARAGE. STANLEY PONTLARGE.
CHELTENHAM. GLOS. GL54 5HD.
OUTBUILDING – F.F. PLAN AS PROPOSED. 1:100
16 : 1774 : 07A FEBRUARY 2016
Dennis L Rayton tel 01242 620818

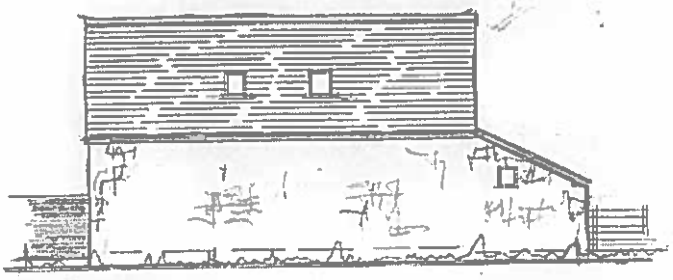
17/0



SOUTH ELEVATION.



EAST ELEVATION



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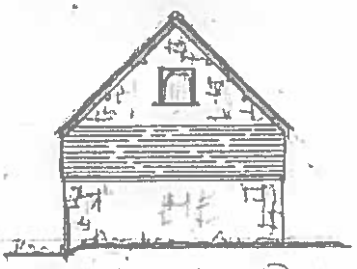
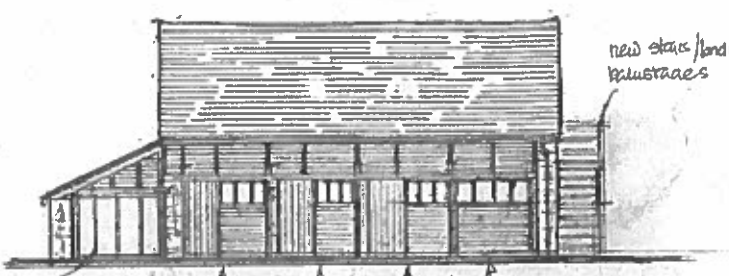
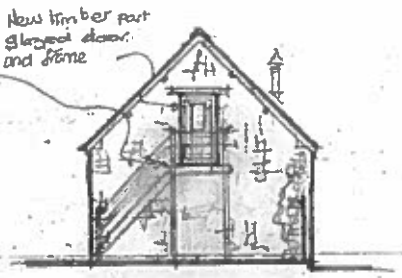
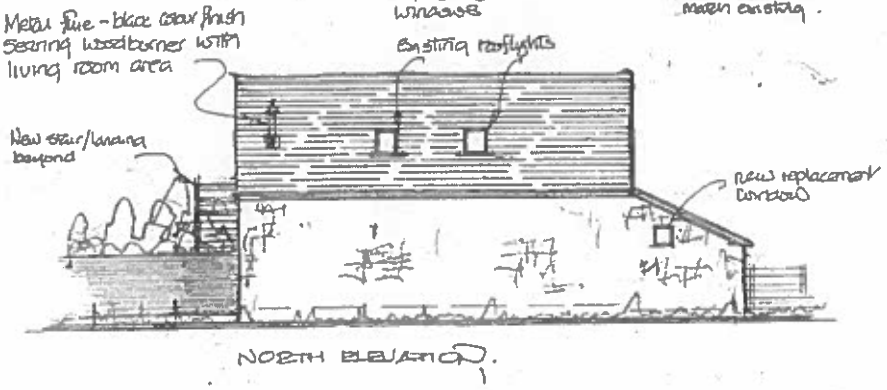


WEST ELEVATION

THE OLD VICARAGE. STANLEY PONTLARGE.
CHELTENHAM. GLOS. GL54 5HD.
OUTBUILDING – ELEVATIONS AS EXISTING 1:100.
16: 1774: 03 FEBRUARY 2016
Dennis L Rayton Tel: 01242 620318







Revision

A External stairs altered
GF east elev opening omitted
South elev rooflights altered
+ RH opening window/well changed
16/4/16

THE OLD VICARAGE. STANLEY PONTLARGE.
CHELTENHAM. GLOS. GL54 5HD.
OUTBUILDING - ELEVATIONS AS PROPOSED. 1:100
16:1774:08A FEBRUARY 2016
Dennis L Rayton Tel: 01242 620318

16/00208/LBC **Outbuildings, The Old Vicarage, Stanley Pontlarge** 4

Valid 18.04.2016
Grid Ref 399926 230220
Parish Prescott
Ward Cleeve Hill

Alterations and conversion of outbuildings to self-contained dwelling

Mr & Mrs Dean
The Old Vicarage
Stanley Pontlarge
Winchcombe
GL54 5HD

RECOMMENDATION Consent

Policies and Constraints

NPPF
PPG
Grade II Listed Building
Adjoining Grade II* Listed Church
Planning (Listed Building and Conservation Areas) Act 1990

Consultations and Representations

Parish Council - No comments or objections to application.
Historic England - This application should be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.
Conservation Officer - The amendments address the main issues which were identified in the initial application so the scheme is acceptable in conservation terms. It might have been preferable for the eastern (garage) bay to be infilled with a door/window configuration to match the other bays, but these are not themselves original, and the building can stand a little inconsistency.
A letter has been received from a neighbouring resident objection to the proposal on the following grounds:

- The design and access statement is inadequate and does not consider in sufficient detail the effect of the development on the Conservation Area and its setting in relation to the adjacent ancient and listed buildings. The proposed separation of the outbuildings to form a separate dwelling apart from its current 'parent' The Old Vicarage, will leave a substantial property with no garaging or outbuildings servicing it. The future likelihood is therefore that further planning and development of the conservation area is highly likely in relation to this property, by either the current tenants or future owners in redressing this point. It is inconceivable that such a prestige property could function without such amenity, as evidenced by the use the current tenants have made of the outbuildings over at least the last 12 year history.
- The proposed changes to curtail the existing and long established main point of vehicular access to The Old Vicarage (the main house), will leave only limited access to the property in future via a narrow ancillary gate that is dissected by a public footpath. The ancillary access is insufficient, as demonstrated by the current owners who do not use it as their main access but for "gardening works" notwithstanding the implications forced through the change of use on any persons using this footpath, of which there are many on a weekly basis.

4 Letters of support on the following grounds:
- Like to see old buildings having investment put into them in a sympathetic manner, it can only be a good thing for our small community to have it being cared for and made useful. The alternative is often that older buildings become neglected and ultimately that reflects on the long term prospects of a small hamlet, such as ours.
- It would allow the applicants to down size and extends their residency in Stanley Pontlarge, such tenures are the life blood of small rural communities.
- Old buildings deteriorate with time. To enable them to remain as part of our landscape they need to be sympathetically restored, which will ensure the visual attractiveness of our small hamlet remains.
- This application will protect and preserve this old building and will further enhance and enrich our very small community.
- Use is supported as the building is now redundant
- Open aspect and the wider landscape would remain

2 letters have been received from the applicant making the following points:

- CPRE support the application.
- Historic England and National Conservation Guidelines, support the principle that conversions of barns such as this can be a suitable use for the preservation of protected buildings which may otherwise fall into disrepair and detract from the landscape. The exterior and surroundings of this barn will be preserved after the change of use, continuing to enhance the landscape. "The Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives.....Policies for development and listed building controls should recognise the need for flexibility where new uses have to be considered to secure a building's survival."
- The south gate is, and has always been, the entrance to the main driveway to the house. This entrance has always been, is, and will remain, in constant use whether or not this application is successful.
- There is ample parking via this entrance for multiple cars. The use of this entrance does not impact upon the church. The lower, north, gate, which will provide the entrance to the driveway to the converted barn, was traditionally used to access the farmyard, piggeries and barn when the property was farmed by its previous owner.
- The hamlet has 5 houses and just one had objected. Have also received letters of support.

This application is required to be determined by the Planning Committee as the applicant is a Borough Councillor.

Planning Officers Comments: Miss Joan Desmond

See 16/00207/FUL which also appears on the schedule.

RECOMMENDATION Consent

Conditions:

1 The works hereby granted listed building consent shall be begun not later than the expiration of five years beginning with the date of this consent.

2 The development hereby permitted shall be carried out in accordance with the following approved plans: 16:1774:SP02A; 16:1774:08A; 16:1774:06A; 16:1774:07A; 16:1774:09A; and 16:1774: G/H.

3 No work shall start until detailed drawings of the proposed external joinery, including elevations and sections, have been submitted to and approved in writing by the Local Planning Authority and the fitted joinery shall be in accordance with the approved drawings. The elevations shall be at a minimum scale of 1:20 and the sections shall be at a minimum scale of 1:5 and shall indicate moulding profiles at full size.

4 All windows and doors shall be treated in a method and finish to be approved in writing by the Local Planning Authority and shall thereafter be maintained in the approved finish unless an alternative is agreed in writing by the Local Planning Authority.

Reasons:

1 To comply with Section 18 of the Planning (Listed Buildings and Conservation Area) Act 1990.

2 To ensure that the development permitted is carried out in accordance with the approved plans.

3 To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building in accordance with the NPPF.

4 To ensure that the appearance of the proposed works will be in keeping with the special architectural and historic character of the listed building in accordance with the NPPF.

Note:

Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF the Local Planning Authority has worked with the applicant in a positive and proactive manner in order to secure sustainable development which will improve the economic, social and environmental conditions of the area by negotiating to secure a more sympathetic conversion scheme.

16/00377/FUL	**17 Second Crossing Road, Walton Cardiff, Tewkesbury**	**5**
Valid 12.04.2016	Two storey rear extension, loft conversion incorporating dormer windows to front elevation	
Grid Ref 390521 231574 Parish Wheatpieces Ward Ashchurch With Walton Cardiff	Mr Kevin Baldwin 17 Second Crossing Road Walton Cardiff Tewkesbury Gloucestershire GL20 7TQ	

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework
Planning Practice Guidance
Tewkesbury Borough Local Plan to 2011 - March 2006 - Policy HOU8
Joint Core Strategy (Submission Version) November 2014

Consultations and Representations

Wheatpieces Parish Council - No objection
Local residents - No representations received

This application is to be determined by the Planning Committee because the applicant is an employee of Tewkesbury Borough Council.

Planning Officers Comments: Mr James Lloyd

1.0 Application Site

1.1 This application relates to the semi-detached property No.17 Second Crossing Road in the Wheatpieces Estate, Tewkesbury. **See attached location plan**

2.0 Planning History

2.1 There is no relevant planning history pertaining to this application

3.0 Current Application

3.1 This application proposes the erection of a two-storey extension to the rear of the property. The extension would comprise a 2 storey projecting double gable. The extension would be constructed in brick and tile to match the existing dwelling. The application also seeks permission for the addition of two dormer windows on the roof slope of the front elevation. **(see attached plans).**

4.0 Policy Context

4.1 Section 7 of the NPPF states that the Government attaches great importance to the design of the built environment. Policy HOU8 of the Local Plan sets out, amongst other things that extension's to existing dwellings will be permitted provided that the proposal respects the character, scale, and proportion of the existing dwelling. The policy also requires that proposals must not have an unacceptable impact on adjacent properties in terms of bulk, massing, size and overlooking. The proposal must also respect the character and appearance of the surrounding area.

5.0 Analysis

5.1 The main issues for consideration are considered to be the impact of the proposed extension on the residential amenity of neighbouring properties in terms of loss of light; and the design of the extension and its impact on the character and appearance of the area.

5.2 Design, Impact & Visual Amenity

5.2.1 The street scene is characterised by two storey, semi-detached properties all following the same building line. The property is one of an L-shaped pair of semi-detached properties located on the corner of Second Crossing Road & Henry Crescent. The proposed extension would be located on the rear elevation of the property and would extend approximately 3.0 metres from the from the rear wall (set back in from the gable end of the neighbouring property) **(see attached plans)**. A small single storey element is also proposed from the rear extending the existing kitchen.

5.2.2 The proposed two storey rear extension would not be visually prominent within the street scene. Given the orientation of the property the extension would be visible from Henry Crescent to the North West. Whilst the arrangement of the gable end proposed with that of the neighbouring property would look slightly awkward, given the existing development and the extension's relationship with the adjoining property, it is not considered that the proposal would result in significantly adverse harm or impact within the street scene.

5.2.3 The extension would be simple in design with a dual pitch roof and gable end facing west, three windows are proposed on this elevation. The design incorporates brick corbels and would mirror the existing gable end of the adjoining property, the chosen materials respect the character and appearance of the main dwelling and it is considered that the proposed development would not have a harmful impact on the surrounding area. As such, the proposal is deemed to be in accordance with Policy HOU8 of the Local Plan in this regard.

5.2.4 The application also proposes the insertion of two dormer windows on the front elevation to facilitate a loft conversion. Although the dormers would alter the appearance of the principle elevation of the property there are already a number of existing dormers within the vicinity, it is considered that these elements would not cause significant harm on the character and appearance of the surrounding area and existing dwelling and would therefore be in accordance with policy HOU8 of the Local Plan.

5.3 Residential Amenity

5.3.1 With the introduction of a two storey aspect to the rear, particular attention is given to the adjoining dwelling, No.6 Henry Crescent, which lies to the North. The two storey rear element of the proposal would not extend beyond the rear building line of the neighbouring property and the elevation facing the proposed extension is blank with no facing windows. It is acknowledged that the extension would introduce an additional window to the rear, serving the master bedroom, and would have oblique views into the garden of No.6 Henry Crescent. However, these properties already share a similar relationship and it is not considered that its impact would be significantly harmful in terms of overbearing impact, overlooking and loss of light/outlook.

5.3.2 The proposed extension would also be visible from the garden of number 4 Henry Crescent to the West. Given the distance between the proposed extension and amenity area to the rear of the neighbouring property (approximately 15 metres) and the already existing relationship between the two it is considered that there would not be a significant impact on amenity in terms of overlooking. The proposal is therefore not considered in amenity terms to bring an unacceptable level of additional harm, in accordance with Policy HOU8 of the Local Plan.

5.3.3 In terms of potential overlooking from the dormer windows; the proposed windows would introduce two additional windows to the front serving a master bedroom and would have views into the garden of No.15 Second Crossing Road. However, these properties already share a similar relationship. It is considered that given the distance to the properties there would not be a significant impact on amenity in terms of overlooking. The proposal is therefore not considered in amenity terms to bring an unacceptable level of additional harm, in accordance with Policy HOU8 of the Local Plan.

5.3.4 In conclusion, the impact of the proposed extension and dormer windows on neighbouring properties has been carefully considered and it is not considered that the proposed extension would cause demonstrable harm to the amenities of the neighbouring property in line with Policy HOU8.

6.0 Conclusion

6.1 It is considered that the proposal would not result in an unacceptable loss of residential amenity to neighbouring dwellings, would be of an acceptable size and design and there would not be a harmful impact on the surrounding area. The proposal would therefore accord with the NPPF and Policy HOU8 of the Local Plan and is recommended for permission subject to conditions.

RECOMMENDATION Permit

Conditions:

1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2 The development hereby permitted shall be carried out in accordance with the following:

- Details within the application form received by the Local Planning Authority on 5th April 2016
- The approved drawings; 'Block Plan' received by the Local Planning Authority on 5th April 2016 and the approved drawings; 'Revised - proposed elevations & ground/first/second floor plans' received by the Local Planning Authority on 21st April 2016

3 The external materials of the proposed extension shall match as near as possible the materials of the existing dwelling.

Reasons:

1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2 To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within the Tewkesbury Borough Local Plan to 2011 (March 2006).

3 To ensure that the extension is in keeping with the existing building in accordance with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Note:

Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

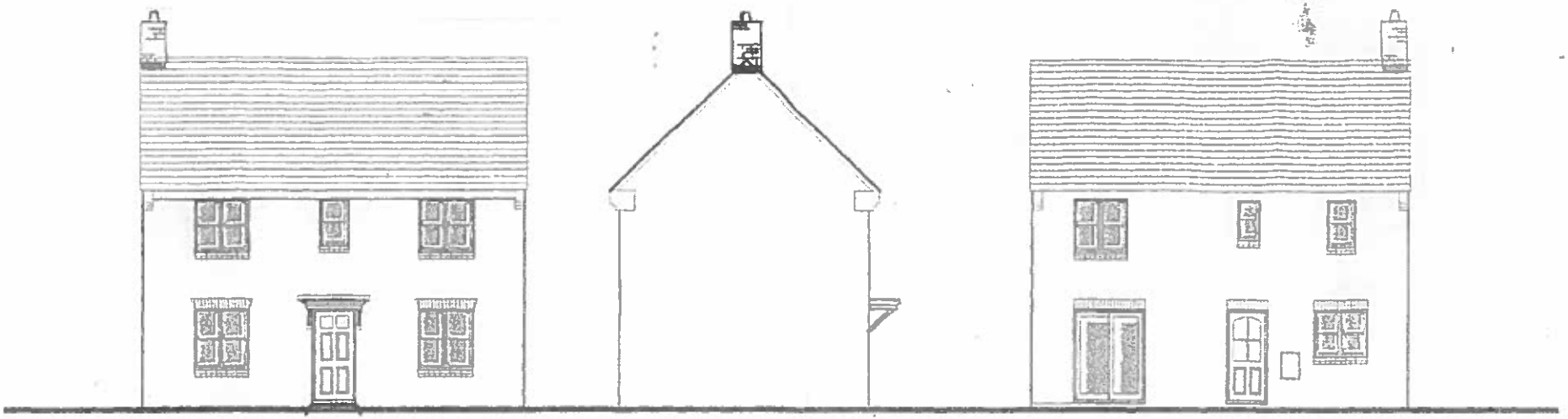
16/00377/FUL

PLANNING AND DEVELOPMENT SERVICES
Officer
Scanned
Rec'd - 5 APR 2016
Ack'd
Ans'd
File

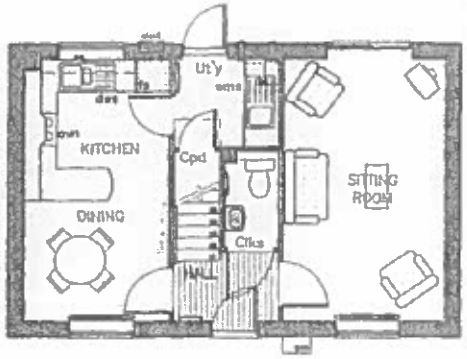
SITE LOCATION PLAN 1:1250

23/A

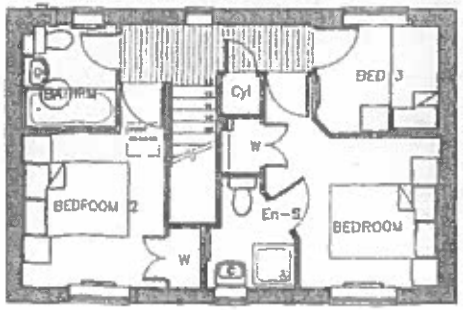
EXISTING 17 SECOND CROSSING ROAD



FRONT ELEVATION SIDE ELEVATION REAR ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

2316

SCALE - 1:100

FRONT SIDE REAR

23/C

G/F 1ST/F 2ND/F

SCALE 1:100

17 SECOND CROSSING ROAD - TENKESBURY

PROPOSED FLOOR AND ELEVATIONS

14/00343/OUT	**Land East of Railway, Ashchurch Road, Ashchurch**	**6**
Valid 28.05.2014	Outline application for the erection of up to 45 dwellings to include open space and new vehicular access (appearance, landscaping, layout and scale to be reserved for future consideration)	
Grid Ref 392724 233211 Parish Ashchurch Rural Ward Ashchurch With Walton Cardiff	Pye Homes Ltd Langford Locks Kidlington Oxford OX5 1HZ	

RECOMMENDATION Delegated Permit

Policies and Constraints

JCS (Submission Version) - SP1, SP2, SD1, SD4, SD5, SD7, SD10, SD11,SD13, SD15, INF1-8
Tewkesbury Borough Local Plan to 2011 - March 2006 - Policies GNL2, GNL8, GNL11, HOU1, HOU4, HOU13, TPT1, TPT3, TPT4, TPT5, EVT2, EVT3, EVT4, EVT5, EVT9, LND4, LND7, RCN1, RCN2, NCN5.
National Planning Policy Framework
Planning Practice Guidance
SPG Affordable Housing
Flood and Water Management Supplementary Planning Document
Flood Zone 2
Public Right of Way
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Ashchurch Rural Parish Council - Objection.

- This land is agricultural and this site is not within an area of recognised designated development or listed in any housing strategy plan.
- Considerable development has already been agreed within the proposed area of the JCS for the period up to 2030 and Tewkesbury Borough Council has already identified areas for its housing needs for the next five years. This site is not included.
- Additional development outside of this area would be wholly inappropriate and overwhelming to the ancient village of Ashchurch especially due to the fact that all areas have already been considered by those drafting the JCS and they have had good reason not to include this area within the plan.
- Unacceptable visual impact & effect on amenity of the properties immediately adjacent to the site and the surrounding area by reason of overlooking, loss of privacy and visually overbearing impact. It also sets a harmful precedent for further rear development.
- This land regularly floods and ARPC also have flooding concern for adjoining areas and concern for the lack of consideration of the historical flash flooding in the higher areas of the meadow above the areas to be built upon, which should be designated Flood Zone 3 due to the flooding of the access to the site, the gradient of which is also too steep and wholly inappropriate for the safe access of vehicles and pedestrians, especially in snow or icy weather.
- Access proposals in relation to the Railway Depot Access would lead to potential safety hazards; danger to children in relation to the additional traffic present in the service road at school times and other times of school activities and people using the Village Hall and its car park.
- Desire to protect ecology which will be a key theme in the NDP.
- No need for affordable homes. ARPC would like to see more family homes to counterbalance the high number of affordable homes in the area.
- Unfair for new residents to have to put up with weekend and night-time working on the railway.
- The land should remain in agricultural use.
- Ruination of this site by development and the unnecessary changes that will be brought about to the fabric and identity of Ashchurch Village as a result, is totally inappropriate when there is other land identified for development nearby without flooding issues, (whether that be directly or indirectly), especially, a brown field site that will accommodate over 2000 additional homes, with attendant amenities to serve them, that has already been identifies within the Joint Core Strategy.

Urban Design Officer - Concerns regarding the relationship between the site and the existing settlement. Offers suggestions to improve the layout.

Environmental Health Officer - No objection subject to condition.

Land Drainage Officer - No objection subject to condition.

Highways Agency - No objection.

County Highways Officer - No objection subject to conditions.

Gloucestershire County Council Property Services - No education requirements. Contributions requested towards library services.

County Archaeologist - No objection subject to condition.

Severn Trent Water - No objection subject to condition.

Crime Prevention Adviser - General comments on design/security.

Natural England - Offers standing advice.

Network Rail - Initial concerns regarding impact on pedestrian rail crossing at Homedowns Farm and noise arising from the adjacent depot. Subsequently noted the view of the Environmental Health Officer regarding noise but still awaiting an impact assessment on the pedestrian crossing.

NHS England - Request contribution towards health facilities.

Six letters of objection have been received raising the following issues:

- Natton Bridge culvert has been reduced in size and already operates above capacity - the development would make the flooding situation worse;
- Attenuation ponds cannot outperform natural drainage and can pose a danger to children; the attenuation pond would sit within the floodplain;
- Who would maintain the drainage system?;
- The site is classified as Flood Zone 1 but because of the surface water drainage issues and that the access/egress floods to a considerable depth, it should be reclassified as Flood Zone 2/3.
- The land regularly floods and the development would push water into neighbouring residential properties and cause septic tank to overflow;
- There is a significant change in ground levels which would need to be taken into account of given potential for surface water flooding, ice and snow;
- The proposal occupies the site of the soakaway to my septic tank in the field to the rear of my property to which I have access rights;
- The proposals would result in further congestion on the A46, which has been subject to a number of permissions in recent years;
- Additional traffic would increase dangers on the residential road which also serves the school and village hall;
- Construction traffic would cause inconvenience and risk to existing residents/road users over and above the HGV traffic associated with the Network Rail depot;
- The development would be overbearing and intrusive to privacy and outlook, dominating the entire skyline behind my property;
- The development would have significant impact on the visual attractiveness of the area;
- Dispute the conclusions of the LVIA as the development would result in the permanent loss of wonderful views across the Vale towards the AONB;
- Increased light pollution;
- The site is outside the residential development boundary and is not allocated in any local plan;
- Question mark over the adequacy of the public sewer system to cater for the proposed development;
- Although the flowers on the site may be common, they are a valuable source of food for pollinators and important for the common bumble bee;
- The field supports many types of birds and insects;
- Whilst the ecological survey failed to find a bat roost, bats are present in summer months so there must be a roost nearby;

- The ecological survey was written on the basis of 25, not 45, dwellings;
- The site has archaeological value;
- The development would affect the village feel of the area;
- Ashchurch does not need any further affordable housing;
- The application makes great play of demographics but the application does not propose bungalows or age-friendly properties;
- Future residents would be at risk from pollution arising from the activities related to the Network Rail depot including regular maintenance works including night-time/weekend work;
- Affordable housing should not be used as a barrier to noise arising from the railway.

Planning Officers Comments: Mr Paul Skelton

1.0 Introduction

1.1 The application relates to a parcel of land measuring approximately 3.3ha which lies to the south of the A46 Ashchurch Road and adjacent to the railway line **(see attached location plan)**. The site is bounded by existing residential development to the north and a railway embankment to the west. To the south of the site is the Tirle Brook with open countryside beyond. The site has a steady gradient with a gentle fall from north to south.

1.2 The site is not subject to any formal landscape designation. The southern section of the site is located within flood zones 2 and 3; however, the proposed developable area (approximately 1.5ha) is located within flood zone 1. The site is accessed directly off an unnamed service road which in turn is accessed off the A46 Ashchurch Road. A public footpath also runs through the centre of the site.

2.0 Relevant Planning History

2.1 There is no planning history which is considered to be relevant to this current application.

3.0 Current Application

3.1 The application seeks outline permission for up to 45 dwellings with associated infrastructure. The original application proposed that 26% of the dwellings would be affordable however this has now changed to 35% (see section 10 below). The application seeks to determine access at this stage; however, appearance, landscaping, layout and scale are reserved for future consideration. Whilst the above matters are reserved, the applicant has provided an indicative layout, which indicates the likely characteristics of the proposed development **(see indicative layout)**.

3.2 The application is supported by a Planning Statement which concludes that this is a sustainable location for housing development, with good accessibility via sustainable modes of transport, to meet needs arising from the JCS.

4.0 The Community Infrastructure Levy Regulations

4.1 The Community Infrastructure Levy (CIL) Regulations allow local authorities to raise funds from developers undertaking new building projects in their area. Whilst Tewkesbury Borough Council has not yet developed a levy the Regulations stipulate that, where planning applications are capable of being charged the levy, they must comply with the tests set out in the CIL regulations. These tests are as follows:
(a) necessary to make the development acceptable in planning terms
(b) directly related to the development; and
(c) fairly and reasonably related in scale and kind to the development.

4.2 As a result of these regulations, local authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly related to the development'. As such, the Regulations restrict local authorities' ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above tests are met. Where planning obligations do not meet the above tests, it is 'unlawful' for those obligations to be taken into account when determining an application. The need for planning obligations is set out in relevant sections of the report.

4.3 The CIL regulations also provide that as from 6 April 2015, no more contributions may be collected in respect of an infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy.

5.0 Principle of Development

The Development Plan

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The key consideration in assessing the principle of development therefore are the existing and emerging development plans for the area and Government policy in respect of new housing development.

Tewkesbury Borough Local Plan to 2011 - March 2006

5.2 The development plan comprises the saved polices of the Tewkesbury Borough Local Plan to 2011 - March 2006 (the 'Local Plan'). The application site lies outside any recognised settlement boundary as defined by the Local Plan. Consequently, the application is subject to policy HOU4 which states that new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry or the provision of affordable housing. However, HOU4 is based on the now revoked Structure Plan housing numbers and for that reason is considered out of date in the context of the NPPF in so far as it relates to restricting the supply of housing. The policy is also out of date because the Council cannot currently demonstrate a five year supply of deliverable housing sites.

5.3 Other relevant local plan policies are set out in the appropriate sections of this report.

Emerging Development Plan

5.4 The emerging development plan will comprise the Joint Core Strategy (JCS), Tewkesbury Borough Plan and any adopted neighbourhood plans. These are all currently at varying stages of development.

5.5 The JCS Submission Version November 2014 is the latest version of the document and sets out the preferred strategy over the period of 2011-2031. This document, inter alia, sets out the preferred strategy to help meet the identified level of need. Policy SP2 of the JCS Submission Version sets out the overall level of development and approach to its distribution.

5.6 The JCS strategy seeks to concentrate new development in and around the existing urban areas of Cheltenham and Gloucester to meet their needs, to balance employment and housing needs, and provide new development close to where it is needed and where it can benefit from the existing and enhanced sustainable transport network. Development is also directed to Tewkesbury town in accordance with its role as a market town and to rural service centres and service villages.

5.7 Paragraph 216 of the NPPF sets out that decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given.

5.8 On 20 November 2014 the JCS was submitted for examination; the Examination in Public (EiP) commenced in May 2015. The hearing sessions are now closed and the Inspector has indicated that she will look to write her interim findings to be published by the end of May 2016. This will be followed by a final hearing session in July to discuss main modifications to the plan based on discussions at all hearing sessions and her interim findings. The JCS has therefore reached a further advanced stage, but it is not yet formally part of the development plan for the area and the weight that can be attached to each of its policies will be subject to the criteria set out above, including the extent to which there are unresolved objections. In respect of the need and distribution of housing (policies SP1 and SP2) there are significant objections to these policies and discussion continues through the EiP process.

National Planning Policy Framework and Planning Practice Guidance

5.9 The NPPF aims to promote sustainable growth and requires applications to be considered in the context of sustainable development and sets out that there are three dimensions to sustainable development: economic, social and environmental.

- the economic role should contribute to building a strong, responsive and competitive economy;
- the social role should support strong, vibrant and healthy communities; and
- the environmental role should protect and enhance the natural, built and historic environment.

These roles should not be undertaken in isolation, because they are mutually dependant.

5.10 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development, which for decision taking means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant polices are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the polices in the Framework taken as a whole; or
- where specific policies in the Framework indicate development should be restricted.

5.11 Footnote 9 to paragraph 14 gives examples of where policies in the Framework indicate that development should be restricted however none of the examples listed are relevant to this case.

5.12 In terms of economic growth, one of the 'core principles' of the NPPF is to proactively drive forward and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Paragraph 19 of the NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and that planning should operate to encourage and not act as an impediment to sustainable growth.

5.13 In terms of housing delivery, the NPPF sets out that, to boost significantly the supply of housing, local authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing, including identifying key sites which are critical to the delivery of the housing strategy over the plan period. Paragraph 49 states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

5.14 The Government's Planning Practice Guidance (PPG) provides advice on prematurity. The advice states that arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

5.15 The advice states that refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

5.16 Other relevant guidance set out in the PPG will be set out where appropriate within the report.

<u>Conclusions on the principle of residential development</u>

5.17 The Council cannot, at this stage demonstrate a deliverable 5 year supply of housing land and thus policy HOU4 of the Local Plan is out of date. The relevant policies for the supply of housing in the emerging JCS are subject to unresolved objection and thus the weight that can be attributed to those polices must be limited. Therefore it is clear that the decision-making process for the determination of this application is to assess whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits.

6.0 Landscape and Visual Impact

6.1 One of the core planning principles of the NPPF sets out that the planning system should recognise the intrinsic character and beauty of the countryside. Section 11 of the NPPF sets out that the planning system should contribute to and enhance the local environment by, amongst other things, protecting and enhancing valued landscapes. Local Plan Policy LND4 provides that in rural areas regard will be given to the need to protect the character and appearance of the rural landscape and Policy SD7 in the JCS Submission Version November 2014 states that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. There is some debate as to whether these local plan policies are policies which restrict the supply of housing following a recent high court judgement, but nevertheless, the impacts of the proposal on the landscape is a significant material consideration which needs to be considered.

6.2 The site does not fall under any statutory or non-statutory landscape designation. The application is supported by a Landscape and Visual Impact assessment (LVIA) which advises that the site lies within the South Ashchurch Landscape Character Area T11 as defined in the TBC Local Landscape Character Assessment. The LVIA considers that the key characteristics of this area referred to in the documents are *'Rural landscape degraded by infrastructure and agricultural intensification* and *'Settled Unwooded Vale'* The LVIA concludes that the development would be visible from viewpoints immediately adjacent the site boundary and from distant viewpoints to the south. The impacts are judged to be short-term moderately adverse on the basis that close range views are *"...limited to a few local residents and passing motorists and are subject to the establishment of additional boundary screening"*. The LVIA suggests that *"With sensitive architectural and landscape design the rural character of the site is respected with built-up form broken up visually by strong landscape enclosure utilising landform, enhanced hedgerows and new mixed-age screen planting."* It is also suggested that this would be supported by a long term management plan which would guide the establishment of the reinforced landscape screen and improved habitat.

6.3 The LVIA further concludes that the development would initially have an adverse impact, however that impact would be localised and for a temporary period after which the landscape management plan would successfully integrate the proposed development into the local community and enhance the landscape character area.

6.4 The conclusions of the LVIA are generally accepted. The general character of the immediate area is dominated by the railway line to the west, A46 railway bridge to the north west and the residential development to the north and west. The wider local context further north includes the industrial estates of Ashchurch and MOD Ashchurch. A public footpath runs through the centre of the site and links with a wider footpath network south of the Tirle Brook. There would be clear views of the proposed development from the public footpaths however the development would be read in the context of the urban form to the north; notably the a46 railway bridge which sits higher than the surrounding land/buildings.

6.5 Overall, the development would result in harm arising from the replacement of a green field with housing; nevertheless this harm would be limited given the sites context as outlined above and could be further militated by additional landscaping which would be detailed through any reserved matters application. As such it is not considered that there would be significant and demonstrable harm arising from the proposed development on landscape grounds that would justify refusal of planning permission.

7.0 Design and Layout

7.1 The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also provides that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.

7.2 All matters relating to design and layout are reserved for future consideration. However, the application has been supported with an indicative layout which illustrates how the site could be developed **(see attached plan)**. The application is also supported with a design and access statement (DAS). The DAS sets out that the site is bounded by strong physical barriers which would contain the proposal and prevent/filter views in and out of the site (i.e. the railway line/Tirle Brook/high level Ashchurch Road and residential/school development. Existing mature planting would be retained and prevent undue overlooking. The DAS confirms that the net density of 30 dwellings per hectare (dph) is below the JCS net densities of 40 dph. There is only a single point of vehicular access which would also access the river and open space to the south of the site for recreation/maintenance. There are a number of pedestrian links to the wider area with a pedestrian/cycleway along the A46, with further access to public transport, including the railway station, and local services.

7.3 The DAS advises that the palette of materials would be based on local context with the density, form and style of the dwellings reinforcing the character of the area, creating its own sense of place. It is suggested that the aspect to the river would be taken advantage of with additional landscaping provided on the fringes of the site where none exist at present. Existing overhead power cables and underground water supply would be diverted, the former representing a substantial environmental improvement. The design and siting of dwellings would mitigate the impact of noise arising from the railway.

7.4 The DAS also advises that buildings that "turn corners" would be incorporated where necessary with landmark buildings used to help visitors find their way around the site. Streets would be designed to be child friendly and allow for maximum surveillance. Parking areas would be restricted to serve a maximum of 5 dwellings and provide for visitor parking and surveillance from adjacent properties. Land to the south would be used as a child's play area. Garages would be large enough to provide storage whilst refuse bin storage would also be provided for to ensure that this doesn't become a dominating feature in the streetscene.

7.5 Overall the DAS concludes that, together with the illustrative layout, it is demonstrated that an attractive and well designed residential development is achievable on the site.

7.6 The Urban Design Officer (UDO) commented on the application and did not consider that the proposal would reflect locally distinctive or prevalent patterns, or character of development, and would appear as relatively isolated. Whilst not a direct criticism of the scheme itself, the UDO did not feel that the proposal would therefore reinforce the character of the place. Nevertheless it is recognised that there is disparate forms of development in the immediate area which is dominated in part by the railway/A46 bridge, as well as development at Fitzhamon Park. As such it is not necessarily considered that there is a distinctive or prevalent form of development in the wider area although it is agreed that the development would be isolated to a degree by the nature of the single access point leading into the site and the relationship of the site with the surrounding development.

7.7 In terms of the detail of the illustrative scheme itself the UDO has raised concerns about the layout and suggested specific improvements that would improve the quality of the layout. Firstly the UDO considered that some form of entrance feature should be provided that would at least give the scheme some presence to the wider urban setting. The UDO also had concerns about the dominance of parking areas on the layout in particular between the entrance to the site and the first road junction, and the parking area to the east of the site to serve the terrace comprising units 33-37. There are further concerns about boundary walls to the rear/side of properties dominating the streetscene which in combination with the dominance of parking could result in a poor quality environment.

7.8 Nevertheless there are some positives to the scheme and it is considered, on balance, that the site is capable of accommodating 45 units. However it is recognised that the application is for "up to" 45 units and an acceptable scheme for the site may require fewer units. The applicant has not sought to address the design concerns raised early in the application process. However officers consider that the design flaws highlighted above would not justify refusal, but that any permission should only be granted on the basis that it is made clear that the illustrative layout is not acceptable. A condition is suggested to require a statement of design principles to be submitted with the first reserved matters application.

7.9 In light of the above whilst the illustrative scheme as submitted is not considered to be acceptable, the site is considered capable of accommodating residential development and appropriate design could be secured through planning conditions and at reserved matters stage.

8.0 Accessibility and Highway Safety

8.1 Section 4 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 32 specifically requires safe and suitable access to all development sites for all people. Policy TPT1 of the Local Plan requires that appropriate access be provided for pedestrians, cyclists and vehicles, and that appropriate public transport services and infrastructure is available or can be made available. It further requires that traffic generated by and/or attracted to the development should not impair that safety or satisfactory operation of the highway network and requires satisfactory highway access to be provided.

Accessibility

8.2 The Transport Statement (TS) submitted with the application sets out that the site is within close proximity to a frequent bus route and local rail services. There is off-road cycle route provision adjacent to the site connecting with local educational facilities and neighbouring Tewksbury. Furthermore, the TS sets out that

Ashchurch has good access to both primary and secondary services - which include a village hall, a primary school, local employment opportunities, a petrol station (with food shop) and a place of worship. A local shopping parade is also present on Northway Lane, approximately 1.2km from the site, which includes a chemist, food store, fish and chip shop and post office. Permission also exists for a superstore in close proximity to the site. On this basis the site performs well in accessibility terms.

Highways Safety/Access

8.3 As set out above, access is proposed to be dealt with under this current application. The proposed access to the development would be via a priority junction with the service road that runs parallel to the A46 Ashchurch Road **(see attached access plan)**. Following consultation with the County Highways Officer (CHO), it is advised that the proposed access is of a suitable width and adequate visibility splays can be provided. As noted by objectors to the application the proposed access would be in close proximity to the maintenance access point to the Network Rail depot and railway line. However, given the very low number of vehicles using this access and with the visibility provided between the two, the CHO is satisfied that this would not cause a significant safety concern. With regards to the existing junction with the A46, the Highways Agency deems this to be acceptable. It should also be noted that 2 personal accidents have been reported in the area during the period from January 2008 to December 2012. However, neither of these accidents occurred at junctions and none were attributable to the existing highway layout. It is therefore considered that the site would be provided with a safe and suitable access.

8.4 The submitted Transport Statement (TS) estimates that the proposed development would provide an additional 27 vehicles in the AM peak hour and 31 vehicles in the PM peak hour. The CHO considers that the additional traffic generated by the development would have an acceptable impact on the highway network and that the junction with the A46 would operate within capacity. This view is shared by the Highways Agency who advise that it is unlikely that the proposed development would adversely affect the safety and free flow of the strategic road network. The residual cumulative impacts of the development would therefore not be severe. Whilst the concerns of local residents are noted, on the basis of the above and the lack of objection from the HA and CHO, there would be an acceptable impact on both the local and strategic road networks.

8.5 Network Rail have been consulted and have raised concerns regarding the safety of development of this site relating to a pedestrian rail crossing at Homedowns Farm, Natton. In response, the applicants Transportation Consultant carried out a survey of the crossing which highlighted that the crossing gate was locked with a padlock and on the day of the survey only one dog walker crossed the track, at about 6pm. It was further noted that the crossing is only accessible by a route with stiles and as such limits its use to those people able to get over a stile. The applicant concludes that the use of the crossing is unlikely to rise as a result of the proposed development due to lack of demand, and the fact there are more attractive routes to cross the railway.

8.6 Further discussions have taken place between the applicant and Network Rail and it has been agreed that Network Rail's concerns can be addressed by a suitably worded planning condition to secure a scheme for the provision of additional mitigation at this crossing, such as miniature stop lights.

8.7 In light of the above the proposed development is considered acceptable in highway safety/access terms.

9.0 Flood Risk and Drainage

9.1 The NPPF states at paragraph 100 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

9.2 Policy EVT5 of the local plan and Policy INF3 of the JCS (Submission Version) seek to prevent development that would be at risk of flooding. Policy EVT5 requires that certain developments within Flood Zone 1 be accompanied by a flood risk assessment and that development should not exacerbate or cause flooding problems. Furthermore, Policy EVT9 of the Local Plan requires that development proposals demonstrate provision for the attenuation and treatment of surface water run-off in accordance with sustainable drainage systems (SUDS) criteria.

9.3 The adopted Flood and Water Management Supplementary Planning Document has the following key objectives: to ensure that new development does not increase the risk of flooding either on a site or cumulatively elsewhere and to seek betterment, where possible; to require the inclusion of Sustainable Drainage Systems (SuDS) within new developments, which mimic natural drainage as closely as possible (e.g. permeable paving, planted roofs, filter drains, swales and ponds) and provision for their long-term

maintenance, in order to mitigate the risk of flooding; to ensure that development incorporates appropriate water management techniques that maintain existing hydrological conditions and avoid adverse effects upon the natural water cycle and to encourage on-site storage capacity for surface water attenuation for storm events up to the 1% probability event (1 in 100 years) including allowance for climate change.

9.4 Significant concern has been raised regarding the potential increase to flood risk to third parties, including the future occupiers of the proposed development.

9.5 The application is supported by a Flood Risk Assessment (FRA) which sets out that all the development would be located within Flood Zone 1 as defined on the site-specific Environment Agency Flood map and is consequently at low risk of flooding. The FRA continues that the development would be drained by a sustainable drainage system comprising permeable paving, swale and attenuation pond which would be designed to reduce runoff flows to the greenfield runoff rate to mimic existing runoff characteristics. The drainage system would also intercept 1 in 100 year runoff. The FRA concludes that there is safe dry access to and from the site and that the housing floors are more than 600mm above the 1 in 100 year flood level.

9.6 The Flood Risk Management Officer (FRMO) has been consulted and has also taken into account the specific objections raised by local residents. The FRMO notes that whilst the 'red line' application boundary does encroach into Flood Zones 2 and 3, the sequential approach to the proposed residential development results in it being located in Flood Zone 1. In line with the NPPF and the Councils Flood and Water Management SPD in this zone the authority would seek evidence reduce that the overall level of flood risk in the area and beyond is reduced and water quality improved, through the layout and form of the development and the appropriate application of sustainable drainage systems (designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible).

9.7 On this basis the FRMO has no objection to the application subject to a planning condition requiring a suitable drainage strategy based on SuDS principles, whilst also requiring the layout and landscaping of the site to route water away from any vulnerable property, and avoid creating hazards to access and egress routes whilst also not increasing the flood risk beyond the site boundary.

10.0 Affordable Housing

10.1 Local Plan Policy HOU13 provides that the Council will seek to negotiate with developers to provide affordable housing. Furthermore, Affordable Housing Supplementary Planning Guidance (SPG) was adopted by the Council in August 2005. The purpose of the SPG is to assist the implementation of affordable housing policies contained within the Local Plan and it is a material consideration in the determination of planning applications. Policy SD13 of the JCS Submission Version November 2014 specifies a requirement for 40% affordable housing. However this policy is subject to unresolved objection and as such can only be given limited weight at this stage.

10.2 The planning statement submitted with the application referred to the 2013 Strategic Housing Market Assessment which indicated that 26% affordable housing should be provided in Tewkesbury Borough. Nevertheless, this is very much a starting point and there is a significant affordable housing need across the Borough and officers sought a higher figure to reflect this.

10.3 The applicant provided viability evidence to show that the site was not capable of delivering 40% affordable housing. This has led to a lengthy delay in the application process. Following independent assessment by the District Valuers Office it has been established that the development would be viable with up to 40% affordable housing. Notwithstanding this, negotiations have taken place between the applicant and the Strategic Housing Enabling Officer (SHEO) and it has been agreed that 35% affordable housing is appropriate for this site. The agreed offer provides for housing that best meets the needs of the area, including a 70/30 split in favour of rented properties and also the provision of 4 bungalows. It should be noted that this addresses the concerns raised by the local community.

10.4 In conclusion therefore it is considered that the delivery of the agreed percentage/tenure/type of affordable housing would best help meet local needs in this case. These matters can be secured through a s106 agreement.

11.0 Open Space, Outdoor Recreation and Sports Facilities

11.1 The NPPF sets out that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

Furthermore, saved policy RCN1 of the Local Plan requires the provision of easily accessible outdoor playing space at a standard of 2.43ha per 1000 population.

11.2 In accordance with these policies, the Community and Economic Development Manager has advised that the proposal would generate a requirement for 0.12ha of playing pitches and associated changing facilities. It is suggested that this requirement is met by an off-site contribution of £48,311 which is agreed by the applicant. In addition to sports pitches, demand for other sports facilities has been identified using the Sports Facility Calculator which is an interactive tool developed by Sport England. Based on 45 dwellings, demand has been identified for local sports facilities. In order to address these demands, a contribution of £38,798 has been sought and agreed by the applicant.

11.3 All the above contributions can be secured by way of s106 obligation.

12.0 Education, Library and Healthcare Provision

12.1 The NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Plan Policy GNL11 highlights that permission will not be provided for development unless the infrastructure and public services necessary to enable the development to take place are either available or can be provided.

12.2 The County Council Property Services team have advised that there are no requirements for education provision arising from the proposed development given the availability of school places in the local area. A contribution of £8,220 is suggested towards library provision at Tewkesbury Library.

12.3 In relation to healthcare NHS England has been consulted and has requested a contribution of £22,941.25 towards health infrastructure to help cater for the needs arising from the proposed development. The applicants have agreed to this request.

12.4 All the above contributions can be secured by way of s106 obligation.

13.0 Ecology and Nature Conservation

13.1 The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments. Furthermore, planning permission should be refused for development resulting in the loss of deterioration of irreplaceable habitats. Local Plan Policy NCN5 seeks to protect and enhance biodiversity in considering development proposals.

13.2 The application is supported by an ecological report (ER) which sets out that there are no habitats of international, national, county or local importance that would be directly or indirectly affected by the proposals. The species recorded on the site can be described as common or abundant and are found in similar places across much of Britain, with no evidence of protected species recorded. The ER suggests a range of generic mitigation/enhancement measures which, if implemented effectively, would reduce the impact of the works on local wildlife and increase the nature conservation value of the site in the long term, in accordance with Government guidance as set out in National Planning Policy Framework. Overall the ER indicates that there are no ecological constraints to the development proposals.

13.3 A local resident has raised concern that whilst the species are common they are nevertheless important, including providing valuable food for the bumble bee. It is also commented that despite the ER advising no bat roosts were found on site, bats are present and there must be a roost nearby. The comments of the local resident are noted however as set out in the ER there are no ecological issues which would result in undue harm to protected species the loss of irreplaceable habitats. The measures suggested in the ER to mitigate any harm to ecology/biodiversity can be secured by a suitably worded planning condition.

14.0 Archaeology and Cultural Heritage

14.1 Section 66 of the Listed Buildings and Conservation Area Act places a statutory duty on LPAs to have special regard to the desirability of preserving the setting of listed buildings. The NPPF advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The emerging JCS reflects these requirements in Policy SD9.

14.2 There are no listed buildings or other heritage designations judged to be affected by the proposed development. The Church of St Nicholas, a Grade II* listed building sits on the opposite side of the Ashchurch Road, however there is little intervisibility between the site and the church and the setting of the church has been degraded by modern development.

14.3 In terms of archaeology the County Archaeologist (CA) has been consulted and considered that there was high potential for significant archaeological remains on the site as the wider locality is known to contain widespread archaeological remains of the prehistoric and Roman periods. As such the CA recommended that an archaeological field evaluation be carried out in advance of any decision being made on the application. The subsequent evaluation did unearth some archaeology dating to Anglo-Saxon times and as such the CA advises that there is potential for further archaeology from this period. On that basis the CA recommends that any permission be subject to a planning condition requiring the implementation of a programme of archaeological work.

15.0 Residential Amenity

15.1 One of the core planning principles of the NPPF is to ensure a good standard of amenity for all existing and future occupants of land and buildings. This advice is reflected in Policy SD15 of the JCS (Submission Version) which seeks to ensure that new development does not cause an unacceptable harm to local amenity including amenity of neighbouring occupants. Some concerns have been raised by local residents who share a common boundary with the application site. Whilst as set out above the illustrative layout submitted with the application is not considered suitable, there are no obvious potential impacts arising from the proposed development of the site for residential use that could not satisfactorily be addressed at reserved matters stage.

15.2 The application is supported by a Noise Impact Assessment (NIA) which assesses the prevailing noise levels (trains/traffic) on the proposed development site and sets out the necessary noise mitigation measures required to reduce the noise on the site and within rooms in the proposed development to recognised acceptable standards (BS8233 & WHO).

15.3 The NIA advises that noise levels measured on site ranged from 51/61 Db LAeq to at approximately 15/20M from the rail lines to 52/58 dB LAeq at 65M from the A46, and that in order to provide acceptable noise conditions within the rooms of the proposed dwellings and in the gardens noise mitigation measures would require to be incorporated into the development design. Internal and external noise control measures are suggested including specific construction details, including special double glazing for proposed dwellings within 50m from rail lines/the A46 and a 2.5m high screen fence along the western boundary of the site.

15.4 The Environmental Health Officer (EHO) has been consulted and generally accepts the conclusions of the report based on the survey work carried out, and the proposed recommendations. Network Rail have been consulted and have advised that they have no objection having regard to the position of the EHO.

15.5 Notwithstanding this, objections have been received highlighting that the NIA does not properly consider the noise and light pollution which arises from the railway, in particular maintenance works that are carried out over weekends and at night. The NIA advises that the site was surveyed on Tuesday 29 October 2013 between 14:00 hours and 16.00 hours. On this basis the EHO has been reconsulted and has advised that in light of the issues raised by local residents further assessment is required. This assessment has been requested although no details have been submitted to date. **An update will be provided at Committee.**

16.0 Scale of Development and Social Impacts

16.1 The NPPF at paragraph 7 recognises that sustainable development includes a social role that planning performs and Section 8 sets out how healthy communities can be promoted. Guidance contained in a research document 'Design for Social Sustainability' builds on examples from around the country and sets out that the sense of identity of a place can be defined as *'...rooted in history, in local celebrations, the stories people tell about the area, and in regular local events. These build up over time. When new large-scale housing developments are built, the sense of place cannot be defined by its shared history. New residents will not know others, and, in the early stages, there will be few social connections.'*

16.2 Concerns have been raised by the local community that the proposals would be wholly inappropriate and overwhelming to the ancient village of Ashchurch and bring about unnecessary changes to the fabric and identity of Ashchurch Village, particularly given the availability of a large brownfield site nearby.

16.3 It is understood that there is a sense that the area is being overwhelmed by development including the proposed allocation at MOD Ashchurch in the emerging JCS, as well as permission for 150 homes nearby at Pamington. It is difficult to argue however that Ashchurch has not already been overwhelmed by the scale and nature of development through the 20th century and earlier. The village is to a large degree dominated by the urban infrastructure referred to in section 6 above. Furthermore, there are no objections from statutory consultees in respect of harmful impacts on existing infrastructure. Overall, whilst the views of the local community are not underestimated, it is not considered that the delivery of an additional 45 homes in this location would have such harmful effects on the 'place' to warrant refusal of planning permission in this case.

17.0 Overall Balancing Exercise and Conclusions

17.1 The site is located outside any recognised settlement where new housing development conflicts with Policy HOU4 of the Local Plan. For this reason, the proposed development is contrary to the Development Plan. Nevertheless, as set out above, the Council's housing supply policies must be considered out of date and in those circumstances the NPPF therefore requires that the Council considers applications for housing in the context of a presumption in favour of sustainable development as set out at paragraph 49 of the NPPF. As such, in this case and in accordance with paragraph 14 of the NPPF, the development should be permitted unless there are any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Beneficial Effects

17.2 The development would contribute significantly towards the supply of market and affordable housing to help meet the objectively assessed need for housing in the area. This is of particular relevance given the Government's stated intention of significantly boosting the supply of housing, and the fact that the Council cannot currently demonstrate a deliverable 5 year supply of housing sites in the context of the Government's requirement of a minimum supply of 5 years and weighs significantly in favour of the application.

17.3 New employment would be created during construction and some businesses connected with the construction industry would likely be local suppliers and trades, which would boost the local economy. There would also be economic benefits arising from additional residents supporting local business.

Neutral Effects

17.4 It has been established through the submitted application material, and through consultation with specialist consultees, that the impact of this development on flood risk, the living conditions of existing and future residents, ecology and archaeology can be adequately mitigated. The mitigation measures required, can be secured through planning conditions, future reserved matters applications, and S106 obligations. Education needs arising from the proposal can be catered for by existing schools, whilst mitigation in respect of sport and play, library and health facilities can also be addressed via s106 obligations. In design terms the illustrative layout submitted with the application would not result in an acceptable form of development however it is considered that, subject to conditions, the design and layout of the site could be satisfactorily addressed at reserved matters stage and need not prevent outline permission being granted.

Harmful Effects

17.5 It is clear that the proposed development would result in some harm to the landscape by introducing new urban development where there are currently green fields. However, given the context of the site which is dominated to a large extent by transport infrastructure and existing development this is not considered to be a matter which would justify refusal in its own right.

Overall Planning Balance and Conclusion

17.6 The benefits set out above are clear and it is not considered that there are any harmful impacts which would significantly and demonstrably outweigh those benefits. It is considered that the proposed development represents sustainable development in the context of the NPPF as a whole and it is therefore recommended that **permission is delegated to the Development Manager amendments subject to resolution of the noise issues outlined above; additional/amendments to conditions as necessary; and to allow for the completion of a Section 106 Agreement to secure the following planning obligations:**

- Affordable Housing - 35%
- Off-site sports provision (playing pitches and changing facilities) - £48,311
- Off-site contribution of indoor sports facilities - £33,798
- Library provision - £8,220
- Healthcare provision - £22,941.25
- Recycling - £74 per dwelling
- Dog bins & signs - 1 bin per 45 houses at £350 per bin. 1 sign per 10 houses at £50 per sign

RECOMMENDATION Delegated Permit

Conditions:

1 Details of the appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

3 The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

4 The submission of reserved matters, pursuant to condition 1 shall include details of the existing and proposed ground levels and proposed ground floor slab levels of the buildings and roads relative to ordnance datum. The development shall be carried out in accordance with the details as approved.

5 Work shall not start until comprehensive evidence based drainage details, based on the submitted Flood Risk Assessment and including a SuDS/drainage management plan, have been submitted to and approved by the Local Planning Authority. The details shall fully incorporate the principles of sustainable drainage and improvement in water quality, along with a robust assessment of the hydrological influences of the detailed drainage plan, including allowances for climate change. The development shall be carried out in full accordance with the approved details and subsequently maintained in accordance with the approved details.

6 No development shall take place until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The EMP shall be in accordance with the mitigation and enhancement measures set out in the AA Environmental Limited Ecological Report (dated December 2013). It shall include a timetable for implementation, details for monitoring and review, and details of how the areas concerned will be maintained and managed. Development shall thereafter be carried out in accordance with the approved details and timetable of the EMP.

7 No development shall take place until details of the provision of fire hydrants served by mains water supply, including a timetable for their provision, have been submitted to and approved in writing by the local planning authority. The fire hydrants shall be provided in accordance with the approved details and timetable.

8 No works shall commence on site until the access has been laid out and constructed generally in accordance with the submitted plan 13070-6, (including visibility splays to a height of between 0.6 and 2.1m above the adjacent footway level), the first 20m of the access road from the service road shall be surfaced in a bound material, the access shall be retained and maintained in that form until and unless adopted as highway maintainable at public expense.

9 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

i. specify the type and number of vehicles;
ii. provide for the parking of vehicles of site operatives and visitors;
iii. provide for the loading and unloading of plant and materials;
iv. provide for the storage of plant and materials used in constructing the development;
v. provide for wheel washing facilities;
vi. specify the intended hours of construction operations;
vii. measures to control the emission of dust and dirt during construction.

10 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

11 No dwelling on the development hereby permitted shall be occupied until the access road(s) (including surface water drainage/disposal, vehicular turning head(s), street lighting, and footways where proposed) providing access from the nearest public road to that dwelling have been completed to at least binder course level with the footways complete to surface course in accordance with the approved plans, and those access road(s), shall be maintained in that form until and unless adopted as highway maintainable at public expense.

12 Notwithstanding the illustrative layout and Design and Access Statement submitted with the application, the reserved matters applications required under condition 1 shall be accompanied by a Statement of Design Principles addressing the following key principles:

- Character
- Continuity and enclosure
- Quality of the public realm
- Ease of movement
- Legibility

13 No dwelling shall be occupied until a scheme for the improved safety of the pedestrian railway crossing to the south of the site at Homedown Farm, Natton, has been completed in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reasons:

1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4 To ensure that the development integrates harmoniously with its surroundings and does not adversely impact upon existing residential properties.

5 To ensure that the development is provided with a satisfactory means of drainage; as well as reducing the risk of flooding both on the site itself and the surrounding area, and to minimise the risk of pollution.

6 To ensure proper provision is made to safeguard protected species and their habitats, in accordance with the guidance set out in the NPPF and Policy NCN5 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

7 To ensure that fire hydrants are provided in suitable locations within the development in the interests of community safety in accordance with Policy GNL11 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

8 To ensure there is a safe means of access to the site during construction works and thereafter, and to ensure that this access is maintained in that form, in the interests of highway safety.

9 In the interests of highway safety.

10 In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

11 In the interest of highway safety.

12 To ensure that the development will be of a high quality design reflecting key urban design principles.

13 To ensure that risks associated with the railway crossing are not increased as a result of the proposed development.

Notes:

1 **Statement of Positive and Proactive Engagement**

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

2 The development may require a retaining wall adjacent to the highway and the Applicant/Developer is required to have regard to Section 167 of the Highways Act 1980, which in some circumstances requires plans, sections and the specification of the retaining wall to be submitted to the County Council for its separate approval before works on the development can commence.

3 The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

4 The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.

5 The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure. The Developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the Developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.

6 The applicant is advised that to discharge condition 4 that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

7 The Developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the Developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.

14/00343/OUT

Notes.

All dimensions and levels on site are to be checked prior to commencement of work.
This drawing is the copyright of the Edwards Irish Partnership LLP

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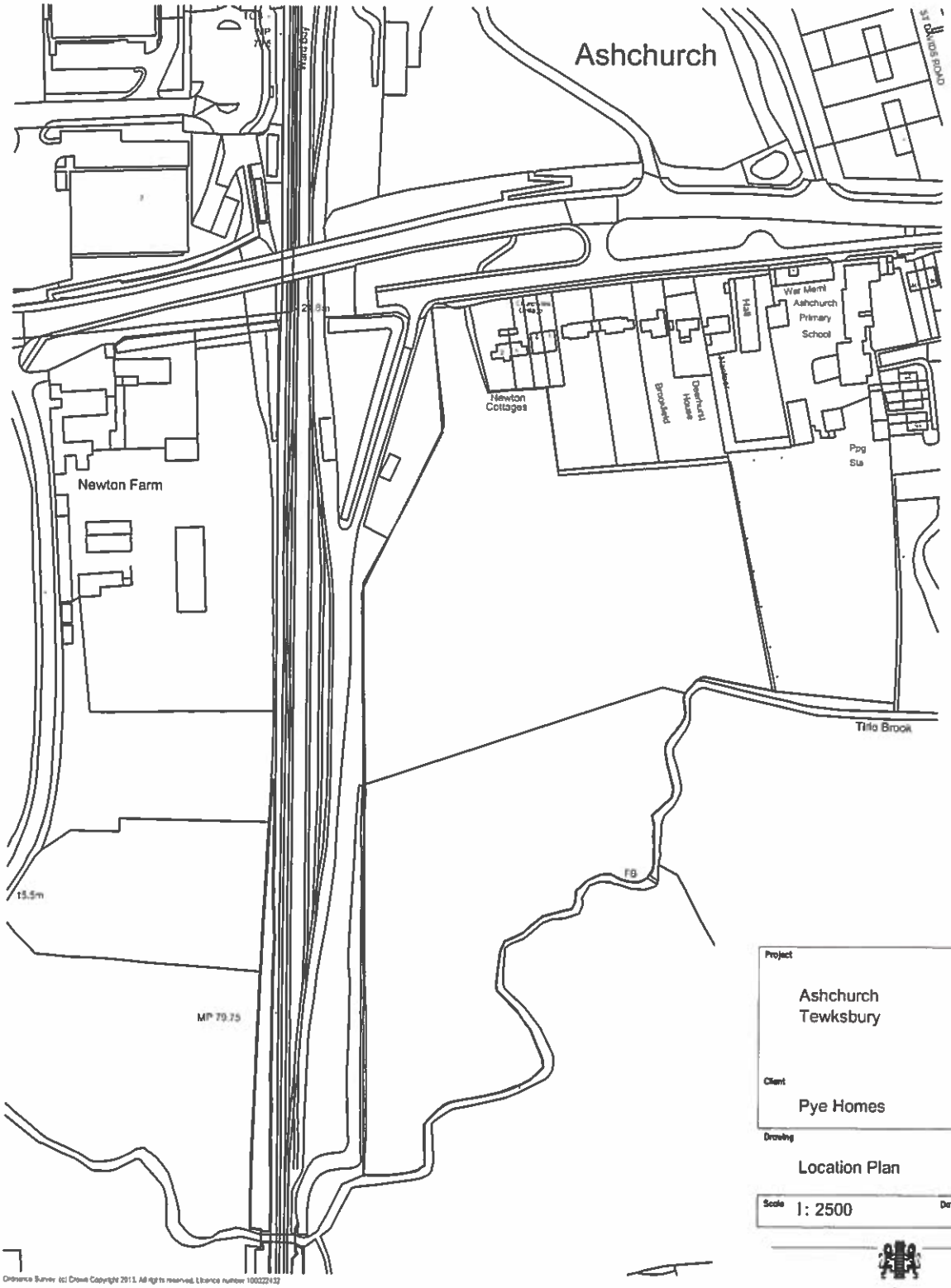


Project
Ashchurch
Tewksbury

Client
Pye Homes

Drawing
Location Plan

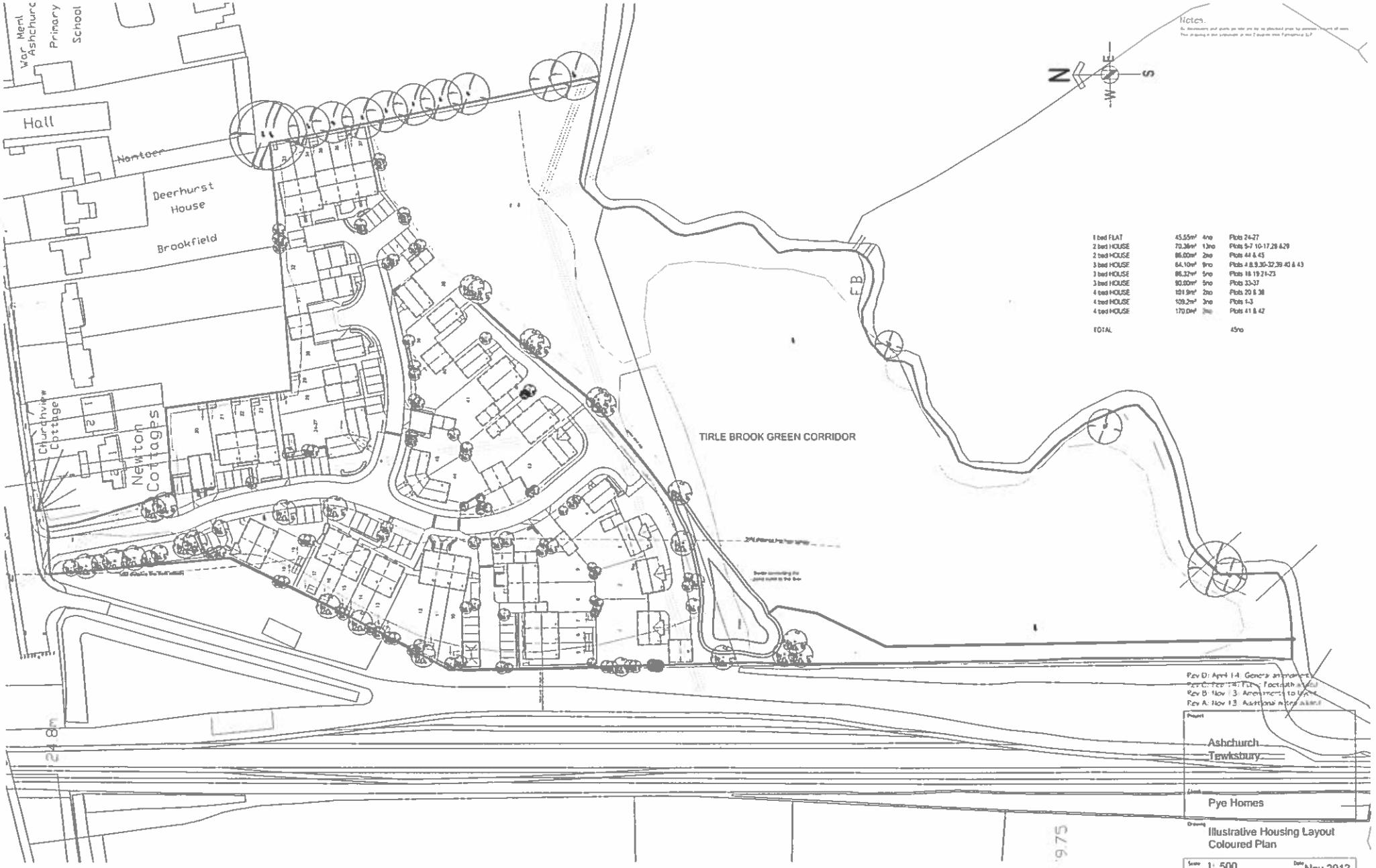
Scale 1: 2500 Date Nov 2013

The Edwards Irish Partnership LLP
Architects & Surveyors
Suite 6, Market House 19-21 Market Place, Wokingham, Berks. RG40 1AP
Tel: 01189 Fax: 01189
E-mail: email@edwardsirish.com

Job 2155 Dwg. 11

CAD REFERENCE

38/A


War Mem Ashchurch Primary School
Hall
Nantoer
Deerhurst House
Brookfield
Churchview Cottage
Newton Cottages
TIRLE BROOK GREEN CORRIDOR
N
E
S
W
1 bed FLAT 45.55m² 4no Plots 24-27
2 bed HOUSE 70.36m² 13no Plots 5-7 10-17 28 &29
2 bed HOUSE 86.00m² 2no Plots 44 & 45
3 bed HOUSE 84.10m² 9no Plots 4 8 9 30-32 39 40 & 43
3 bed HOUSE 86.32m² 5no Plots 18 19 21-23
3 bed HOUSE 93.00m² 5no Plots 33-37
4 bed HOUSE 101.9m² 2no Plots 20 & 38
4 bed HOUSE 109.2m² 3no Plots 1-3
4 bed HOUSE 170.0m² 2no Plots 41 & 42
TOTAL 45no
Rev D: April 14 General amendments
Rev C: Feb 14 Plots, footpath added
Rev B Nov 13 Amendments to layout
Rev A: Nov 13 Additional plots added
Project
Ashchurch
Tewkesbury
Client
Pye Homes
Drawing
Illustrative Housing Layout
Coloured Plan
Scale 1: 500
Date Nov 2013
The Edwards Irish Partnership LLP
Architects & Surveyors
Job 2155
Dwg. 10D

38/13

15/00948/FUL	**Part Parcel 7166, Main Road, Minsterworth**	**7**
Valid 21.03.2016	Material change of use of land from agriculture to use as a residential caravan site for 6 gypsy families, including the laying of hardstanding and construction of a new access.	
Grid Ref 378738 217626 Parish Minsterworth Ward Highnam With Haw Bridge	Mr Lesley Smith C/O Agent	

RECOMMENDATION Refuse

Policies and Constraints

National Planning Policy Framework (NPPF)
Planning Policy for Traveller Sites - March 2012 (PPTS)
Tewkesbury Borough Local Plan to 2011 - March 2006 - HOU4, LND4, LND7, TPT1 and EVT9
JSC Submission Version (November 2014)
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property).

Consultations and Representations

Parish Council - No comments received

County Highways - Objects, as the applicant has failed to demonstrate safe and appropriate access can be achieved.

Severn Trent Water - No objection.

Conservation Officer - Objects due to the impact on setting of the adjacent non-designated heritage asset.

Local Residents - Two letters of representation received raising the following concerns:
- There are current Gypsy & Traveller vacancies in the area
- Concern regarding compliance with planning controls and the ability to enforce
- Highway safety concerns
- The proposal increases flooding in the area.
- The proposal would be detrimental to tourism.
- The proposed permeant use would affect property prices.

Planning Officers Comments: Mr Ciaran Power

1.0 Introduction

1.1 The application site consists of an L-shaped area of agricultural land, measuring approximately 0.8 ha in area. The site is located off Starcroft Lane, Minsterworth which is accessed off of the A48 road that runs through the village. The site is located adjacent to an existing temporary Gypsy and Traveller site currently subject to application 15/00693/FUL which seeks permanent use and alteration to its layout.

1.2 The site is located within the open countryside, although it is not covered by any special landscape designation. Vehicular access to the site is provided at the junction off Starcroft Lane and the A48 (see location plan).

2.0 Planning History

2.1 There is no specific planning history relating to the application site itself however there are planning permissions relating to Gypsy and Traveller uses which are relevant to this application and the site context.

- 13/00179/FUL (Land to the West of the application site) - Change of use of land to provide 4 pitches for travellers and associated works and landscaping proposals for a temporary period of 2 years was refused by the LPA in 2013 due to the development landscape impacts and isolated location.

However planning permission was subsequently allowed at appeal. In the Inspectors reasoning he concluded, *"The proposal would cause harm to the character and appearance of the area, and its unsatisfactory location, in terms of access to services and facilities, would lead to over-reliance on private transport, which has sustainability implications. The temporary nature of the proposal reduces the degree of harm, however, to the extent that it is clearly outweighed by the immediate local and general need for gypsy and traveller accommodation, and the lack of identified sites, to which significant weight must be attached in the present circumstances"*. The inspector went onto state, *"I have found conflict with the development plan, but I consider that there are material considerations which outweigh this conflict, and thus justify a grant of planning permission for the temporary period sought"*.

- 15/01314/FUL (Land to the west and north of the PROW adjacent to Starcroft Lane), Change of use of land to 6 no. Romany Gypsy pitches and associated works including 6 no. mobile homes, 6 no. touring caravans, 6 no. day rooms, and hard standing, Permitted February 2016.

- 15/01315/FUL ((Land to the west and north of the PROW adjacent to Starcroft Lane), Application for the removal of Condition 1 and variation of condition 2 of Planning Permission 13/01133/FUL to allow permanent use of the site as a transit gypsy (8 pitches) and amendments to the approved plans to allow reconfiguration of the site layout. Permitted February 2016.

- Current planning application 15/00693/FUL is under consideration for Variation of Conditions 2 and 3 of planning permission 13/00179/FUL to allow permanent use of land for 4 pitches for travellers with associated works and landscaping and amendments to layout.

3.0 Current Application

3.1 The current application seeks full planning permission on a permanent basis for the change of use of land to 6 no. Gypsy pitches and associated works including 6 mobile homes, 6 touring caravan pitches, and associated hardstanding. An upgraded vehicular access would also be provided off of the junction with Starcroft Lane and the A48.

4.0 Planning Policy Context

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

Development Plan

4.2 The development plan comprises the saved polices of the Tewkesbury Borough Local Plan to 2011 - March 2006. Policy LND4 seeks to protect the character and appearance of the rural landscape. Policy TPT1 requires safe and convenient access for all transport modes and that development should have an acceptable impact on the safety and satisfactory operation of the highway network. Policy HOU4 of the Local Plan explains that within such locations new residential development will only be permitted where such dwellings are essential to the efficient operation of agriculture or forestry, involve the acceptable conversion of an existing building or the provision of affordable housing in accordance with Policy HOU14.

The Emerging Development Plan

4.3 The emerging development plan for the area consists of the Joint Core Strategy, Tewkesbury Borough Plan and a number of emerging neighbourhood plans. The JCS Submission Version (November 2014) is the most advanced of these documents and when adopted will constitute the spatial vision for the JCS up to 2031. The JCS submission version was submitted to the Secretary of State on 20th November 2014 and the Examination in Public was recently completed. The Inspector's interim findings are expected shortly.

4.4 Policy SD14 of the JCS sets out a criteria based policy for dealing with proposals for gypsies, travellers and travelling showpeople. The policy requires a justification in terms of need; that sites do not have an unacceptable impact on the character and appearance of the landscape, amenity of neighbouring properties and that proposals are sensitively designed; safe and satisfactory access; and that no significant environmental barriers exist. Paragraph 4 of policy SA1 states that proposals for the strategic allocations will be required to demonstrate how the provision of new gypsy and traveller sites will be incorporated into development proposals for Strategic Allocations. Policy SD7 of the submission version of the JCS seeks for

development to protect or enhance landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. Policy INF1 seeks to ensure development provide safe vehicular access to the highway network. There are unresolved objections in respect of emerging policies SA1 and SD14 which limits the weight which can be applied to those policies at this stage.

National Planning Policy Framework (NPPF)

4.5 The NPPF sets out the presumption in favour of sustainable development. Sustainable development has three dimensions: economic, social and environmental. Paragraph 14 of the Framework sets out that development proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out of date permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

4.6 One of the core principles of the NPPF set out at paragraph 17 (bullet point 5) which includes the requirement to recognise the intrinsic character and beauty of the countryside. Relevant guidance contained within the NPPF will be set out in the appropriate sections of this report.

Planning Policy for Travellers Sites August 2015 (PPTS)

4.7 In August 2015 the Department for the Communities and Local Government published the latest version of the Planning Policy for Traveller Sites (PPTS). The PPTS is to be read in conjunction with the NPPF.

4.8 For the purposes of planning policy the PPTS defines "gypsies and travellers" as:

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such".

4.9 The PPTS sets out that the Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community. Paragraph 23 also highlights that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF, as well as PPTS.

4.10 Paragraph 24 of the PPTS explains that local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

a) the existing level of local provision and need for sites
b) the availability (or lack) of alternative accommodation for the applicants
c) other personal circumstances of the applicant
d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
e) that they should determine applications for sites from any travellers and not just those with local connections

4.11 Paragraph 25 of the PPTS sets out that local planning authorities should strictly limit new traveller sites in open countryside that are away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

4.12 However, in establishing the local provision and need for travellers sites, Paragraph 27 of the PPTS sets out that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable traveller sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permissions.

5.0 Analysis

5.1 The main considerations in the determination of this application are specifically, the need for the facility; impact on landscape and visual amenity, suitability of the site for the proposed use and highway safety matters.

The need for gypsy and traveller sites

5.2 Paragraph 10 of the PPTS relates to 'plan-making' and requires local planning authorities to assess the need, and plan over a reasonable timescale for an appropriate supply of suitable traveller sites to address under-provision. The policy sets out that supply should comprise specific, deliverable sites for the first five years and developable sites or broad locations for later years. With respect to 'decision-taking' on specific applications, Paragraph 24 cites the existing level of provision among relevant matters for consideration in the determination process.

5.3 The most recently published countywide Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTTSAA) was carried out by Opinion Research Services in October 2013. The GTTSAA demonstrates a significant level of unmet need for traveller and gypsy pitches within Tewkesbury Borough. The GTTSAA indicates the need for 152 additional permanent gypsy and traveller pitches across the JCS area up to 2031, of which 147 pitches are required in Tewkesbury Borough. 64 of these pitches are targeted for delivery by 2017.

5.4 At the present time the Council is progressing with its Joint Core Strategy and Borough Plan with a view to including general criteria for approving individual traveller site applications alongside provision within strategic and local development locations. However, the JCS examination is not expected to be completed until 2017. As part of the evidence base for the JCS a draft update summary was produced in March 2016 entitled Gypsy and Traveller Accommodation Assessment. This is an interim report as the three JCS Councils are part of a wider GTAA update that is being completed for all 6 local authorities in Gloucestershire. The full GTAA will be reported on in June 2016. The primary reason for completing the update was the publication of a revised version of Planning Policy for Traveller Sites (PPTS) in August 2015. This included a change to the definition of Travellers for planning purposes. As a result of the new definition the interim reports suggests that the need for Gypsy and Traveller sites is significantly reduced and the overall level of additional need for those households who meet the new definition of a Gypsy or Traveller is for 8 pitches in Tewkesbury over the 15 year GTAA period. It should also be noted that whilst the identified need is 8 pitches over the GTAA period there is also a need to provide windfall provision equating to approximately 2 pitches per annum in order to support the assumptions made in the JCS. Whilst this study represents the most up to date figures only limited weight should be afforded to it at this stage as it is in draft form and has not been subject to assessment by the JSC inspector who may yet raise concerns regarding its methodology.

5.5 There is thus some remaining unmet need, together with the lack of an up-to-date plan to provide such sites. This has led the Council to grant a number of temporary planning permissions in order to meet some of the identified need in the short-term, whilst allowing the Council time to allocate suitable sites through the plan-making process. Current evidence therefore indicates that there is a need for additional pitches for Gypsies and Travellers in Tewkesbury Borough to meet the shortfall identified. Furthermore, although work to identify additional pitches is progressing well, the timescale towards actually delivering such sites is currently unclear. The identified shortfall constitutes a material consideration which weighs in favour of the proposal when considering the planning balance.

Housing Policy

5.6 The site is located in the open countryside outside any recognised residential development boundary (defined by Policies HOU2 and HOU3 of the Local Plan) and as such Policy HOU4 applies. None of the exceptions to Policy HOU4 as set out in paragraph 4.3.1 apply in this case and therefore the provision of residential development in this instance conflicts with Policy HOU4 of the Local Plan. However, this policy is considered to be out-of-date in so far as it relates to this application given that the Council cannot currently demonstrate a five year supply of deliverable traveller sites. In this context, it is not considered that this factor should constitute a reason for refusing the planning application.

5.7 Paragraph 14 of the PPTS also states that when assessing the suitability of sites in rural and semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. Some members of the Minsterworth community have previously raised concerns that traveller settlements already dominate the settled community in the village.

5.8 Minsterworth is a dispersed settlement with a Parish population of approximately 444 people living in 165 households (2011 Census Population Data). The Parish indicate that Minsterworth currently has 174 "Conventional dwellings". The Parish Councils figure is likely to be more up to date then the 2011 census data. The total number of permanent pitches and conventional dwellings equate to approximately 240. Currently there are 66 permanent permissions for pitches in Minsterworth (including 8 transit pitches). This represents 27% of Minsterworth's housing stock being Gypsy and Traveller Pitches. The additional 6 proposed as part of this application as well as the adjacent 4 proposed to be retained on a permanent basis (Planning application 15/00693/FUL) would mean approximately 30.4% of Minsterworth's housing stock being Gypsy and Traveller Pitches.

5.9 Further although some are grouped closely together these groups are generally spread out through the settlement. It is also important to note that planning permissions have been granted over time and the numbers of permanent Gypsy and Traveller pitches in Minsterworth has increased gradually over the last 20 years. Many of the existing occupiers of Gypsy and Traveller pitches have been part of the wider community for a substantial amount of time. The proposed development is therefore not considered to overwhelm existing facilities or services in the area. The proposed development is therefore considered to be acceptable and would not be disproportionate to the settlement to a degree that would warrant a refusal of planning permission on this ground.

Landscape Impact

5.10 Policy LND4 of the Local Plan seeks to protect the character and appearance of the rural landscape. The reasoned justification expands stating that the countryside of the Borough is worthy of protection for its own sake and that in order to safeguard the existing environmental quality of the Borough development proposals affecting these rural areas should be designed to harmonise with their character or, if they are unacceptably intrusive, be refused.

5.11 The application site lies in a pleasant open countryside location albeit not protected by any special landscape designation. The proposal includes a large area of hardstanding, caravans and associated domestic paraphernalia. Whilst there are currently other Gypsy and Traveller sites along Starcroft lane these are located in a less prominent location and benefit from some established landscaping which as a result assimilate these sites into the landscape reducing the visual harm to the character and appearance of the area. The proposed development would not only be located within a prominent location which would be readily visible from the A48 and Starcroft Lane, it would also introduce a formalised access point which would further expose the site from public view. The County Highway Authority would also require widening works to the access and to the western junction with the A48 to accommodate the additional movements generated by the development. This would result in reducing the existing screening to the site and beyond and as such, caravans, associated vehicles and domestic paraphernalia as well as the substantial areas of hardstanding/gravel would be particularly visually intrusive from the A48 when viewed by motorists and pedestrians passing along this road.

5.12 The presence of caravans, vehicles and other associated paraphernalia would form an incongruous feature which would be harmful to the character and appearance of the existing rural environment in this location. This site would clearly have a significantly greater visual impact on the area than the neighbouring Gypsy and Traveller sites, largely by virtue of its size and its prominence from the A48. It is not considered that such harm could be sympathetically ameliorated by further landscaping. It is therefore concluded that the proposed development would cause significant harm the character and appearance of the surrounding area, in conflict with Policy LND4 of the Local Plan and emerging policy SD7 of the Submission Version Joint Core Strategy (November 2014) and this weighs heavily against the development in the planning balance.

Accessibility

5.13 The PPTS sets out at paragraph 25 in stating that "Local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan". This is considered to represent a significant shift away from the previous government guidance and is more reflective of current Saved Policy TPT1 of the Local Plan, which indicates that development will only be permitted where there is an appropriate level of public transport services and infrastructure available.

5.14 There is a bus stop located approximately 50m from the site and some limited local facilities nearby such as a garage/shop and public house. It is also relevant that in a recent planning appeal (APP/G1630/A/14/2226072) at Land at the Lodge, Highgrove Lane, Main Road Minsterworth was allowed on 10th July 2015 for 5 gypsy pitches. Paragraph 22 of the appeal decision states, *"Minsterworth is a small*

settlement mainly arranged along the busy A48. A recent Rural Area Settlement Audit indicates that it has a village hall, primary school, petrol station/garage shop, public house, sports pitch, place of worship and a mobile library service. The garage shop is about 380m away from the appeal site. Although the site does not lie within or adjacent to a settlement for the purposes of the development plan, it is within walking distance of Minsterworth. I consider that it cannot reasonably be regarded as being in 'open countryside away from existing settlements' for the purposes of applying the PPTS. Indeed, nothing in current national or local policy suggests that locations such as this should be precluded, in principle, from consideration as potential gypsy and traveller accommodation". Paragraph 23 goes onto say, *"The Council argue future occupiers of the site are likely to be reliant on private transportation to meet some travel needs, for example, a weekly shop. However this degree of reliance is not that uncommon in a mainly rural area such as this, and the distances involved are not excessive by rural standards. For example, the settlement of Highnam is 3.5 km away from the site and Gloucester is 5.8 km. These locations include a wider range of amenities including competitor shops, health and educational facilities. Highnam and Gloucester are a short car journey away. Moreover, the site is in walking distance of bus stops. Minsterworth is frequently served by bus numbers 23, 30, 31, 786 and 787 which connect the village to larger towns. There is potential for the occupiers of the site to travel by public transport to access a wide range of amenities in nearby urban conurbations".*

5.15 The application site is located more centrally within the sporadic Minsterworth settlement being closer to the Primacy School and other primary services then the appeal site at Highgrove Lane. In this regard it is considered that the proposed development would accord with Policy TPT1 of the Local Plan.

Highway Safety

5.16 In terms of highway safety, Policy TPT1 highlights that development will be permitted where provision is made for safe and convenient access. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the cumulative impacts of development are 'severe'. The application proposes that access to the site will be taken from Starcroft Lane where there is an existing field gate. The submitted Block Plan has shown visibility splays of 2.4 x 43m however no evidence of actual vehicle speeds has been submitted. As Starcroft Lane is subject to a 50 mph speed limit in the absence of any other evidence visibility splays of 2.4 x 160 m would be required. There are a number of other sites on Starcroft Lane with various permanent and temporary permissions however this application would mean an increase in pitches of approximately 33% on Starcroft Lane. Starcroft Lane is accessed from the A48 at two points to the north east and south west of the site access. Forward visibility for southbound vehicles on the A48 to vehicles right turning from the A48 onto Starcroft Lane is very limited and a material increase in these movements would be undesirable. With the proposed access to the site joining at the eastern end of Starcroft Lane this is likely to the invite more right turning movements at this point than would the neighbouring sites. For this reason the County Highway Authority would recommend that a restriction on east to west vehicle movements is introduced on Starcroft Lane between the proposed access and the existing "The Redlands" access and a localised widening to the west of the site access to allow two vehicles to pass. This will further increase the use of the western junction with the A48 which would require widening at the junction to accommodate the additional movements. The County Highway Authority consider that the widening works could be secured through a Grampian condition subject to appropriate visibility being achievable.

5.17 Having regard to the above the County Highway Authority advise that the application should be refused on highway grounds as insufficient information has been provided in order to determine that safe and suitable access to the proposed development can be achieved in accordance with paragraphs 32 and 35 of the NPPF, Policy TPT1 of the Tewkesbury Borough Local Plan to 2011 and Policies INF1 and SD14 of the Submission Version Joint Core Strategy (November 2014).

<u>Impact on the setting of Listed Buildings</u>

5.18 The Apple Tree Public House, which is a Grade II Listed Building, is located on the opposite side of the A48 in close proximity to the site. Another Grade II listed building, known as Hygrove House is sited in the distance to the west of the site. Although not listed, 'The Redlands', which is located directly to the east is considered to be a heritage asset as a result of it being shown on historic OS maps in the 1880's.

5.19 Under Section 66 of the Planning (Listed Building and Conservation Area) 1990 local planning authorities are required to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it processes. This approach is followed in the NPPF, which seeks to preserve the setting of heritage assets.

5.20 The application site is generally well screed from the listed buildings and given the level of separation between the application site and adjacent listed buildings it is not considered that the proposal would have a detrimental effect upon their setting. However the site adjoins The Redlands, a detached mid-Victorian polite villa originally recorded on 1880s OS maps as Parlours Farm. This was the childhood home of the First World War poet F W Harvey and together with its architectural interest, this associative value qualifies the site as a heritage asset under the NPPF's definition. The application site is currently a field adjoining the boundary to The Redlands, and its continuous boundary hedge means it has little presence in public views from the A48. There is a concern that creating an access towards the eastern corner, together with the intensification of use of the site, will affect the setting of The Redlands, which currently stands in relative isolation. This identified harms weighs against the development in the planning balance although it is not considered that such harm would itself warrant refusal of planning permission in this case.

Flooding and Drainage

5.21 The site is located within Flood Zone 1 (low risk of flooding) and comprises an area less than 1 Hectare. It is therefore considered that the development would not be at undue risk of flooding and the development therefore accords with Policies EVT5 of the Development Plan. In terms of foul sewage provision it is indicated that foul sewage would be disposed of by way of an existing septic tank, full details of drainage should be required by condition should members be minded to grant planning permission.

Human rights

5.22 The Human Rights of the Applicant must be considered having regard to Circular 1/2006 and the Human Rights Act 1998. The application does not include specific information relation to personal circumstances of the application of their family. They also have applied for continued use of the adjacent site for permanent siting of 4 pitches (15/00693/FUL). It is unclear what the needs of the existing family in relation to pitches is however refusal of planning permission in this case would potentially, mean that the applicant and their family may have no permanent pitch available to meet their specific needs. If this were the case this could interfere with the Applicants home and family life. However, having regard to Article 8 of the Human Rights Act 1998, and in the absence of supporting information relating to the specific and immediate needs of family, it is considered that sufficient consideration and appropriate weight has been afforded to the Human Rights issues relevant to the proposal.

Overall Balance of Planning Considerations

5.23 The proposal would result in significant and demonstrable harm to the rural character and appearance of the area by virtue of its visual intrusion and encroachment into the surrounding countryside.

5.24 Clearly the degree of harm referred to above must be balanced against the need for gypsy and traveller pitches in the Borough and the benefits associated with delivering additional pitches here that would help to meet some of that need.

5.25 The proposal would contribute towards meeting the identified need for traveller pitches in the Borough. The sites location is not considered to be isolated and is reasonably well served by public transport however insufficient information has been submitted to demonstrate that the site would be served by a safe and suitable access. There would be no identified harm to residential amenity.

5.26 Overall, the proposal would result in permanent landscape harm and highway safety concerns and it is not considered that the need for gypsy and traveller pitches in the Borough would outweigh the identified harm in this instance.

Consideration for a Temporary Permission

5.27 Paragraph 27 of the PPTS sets out that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable traveller sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permissions. However, Paragraph 28 makes it clear that this only applies to applications for temporary permissions made 12 months after this policy comes in to force. This represents a significant shift in planning policy from the previous Circular 1/2006 guidance which indicated that temporary permissions should be granted where there was an unmet need but no available alternative

5.28 In this case it is considered that the adverse impacts of this proposal are so great that the shortfall of Gypsy and Traveller pitch supply and the lack of any personal circumstances of the applicant's family would not warrant the granting of a temporary planning permission. Further, given that the application has not demonstrated that there would be a safe and suitable access, a temporary permission would not be appropriate in this case.

6.0 Conclusion

6.1 Whilst it is accepted that there is presently a need for the provision of additional gypsy and traveller pitches within Tewkesbury Borough, which this application would contribute towards meeting, it is concluded that the development would result in a significant visually intrusive impact on the rural landscape that could not be successfully mitigated through the use of planning conditions. The applicant has also failed to demonstrate that safe and appropriate access could be provided to accommodate the proposed development. Further the development would result in harm to the setting of a non-designated heritage asset.

6.2 These harms are considered to override the material considerations that weigh in favour of the proposal. Consideration has been given to the use of a temporary planning permission however, in light of the planning harms that have been identified above it is not considered that the benefits of granting a temporary permission would be justified on the overall balance of current planning circumstances, including indications of under supply.

6.3 The proposal is therefore considered to conflict with National Planning Policy, advice contained within the Planning Policy for Traveller Sites, Policies LND4 and TPT1 of the Tewkesbury Borough Local Plan and Policies SD7, SD14 and INF1 of the Submission Version Joint Core Strategy (November 2014). The application is accordingly recommended for **refusal**.

RECOMMENDATION Refuse

Reasons:

1 The proposed development forms a visually intrusive and discordant feature in the surrounding rural area which is harmful to the rural character and appearance of the Countryside in conflict with saved Policy LND4 of the Tewkesbury Borough Local Plan to 2011 - March 2006 emerging policies SD7 and SD14 of the Submission Version Joint Core Strategy (November 2014) and the provisions of the National Planning Policy Framework.

2 Insufficient information has been provided in order to determine that safe and suitable access to the proposed development can be achieved in accordance with paragraphs 32 and 35 of the NPPF Policy TPT1 of the Tewkesbury Borough Local Plan to 2011and Policy INF1 and SD14 of the Submission Version Joint Core Strategy (November 2014).

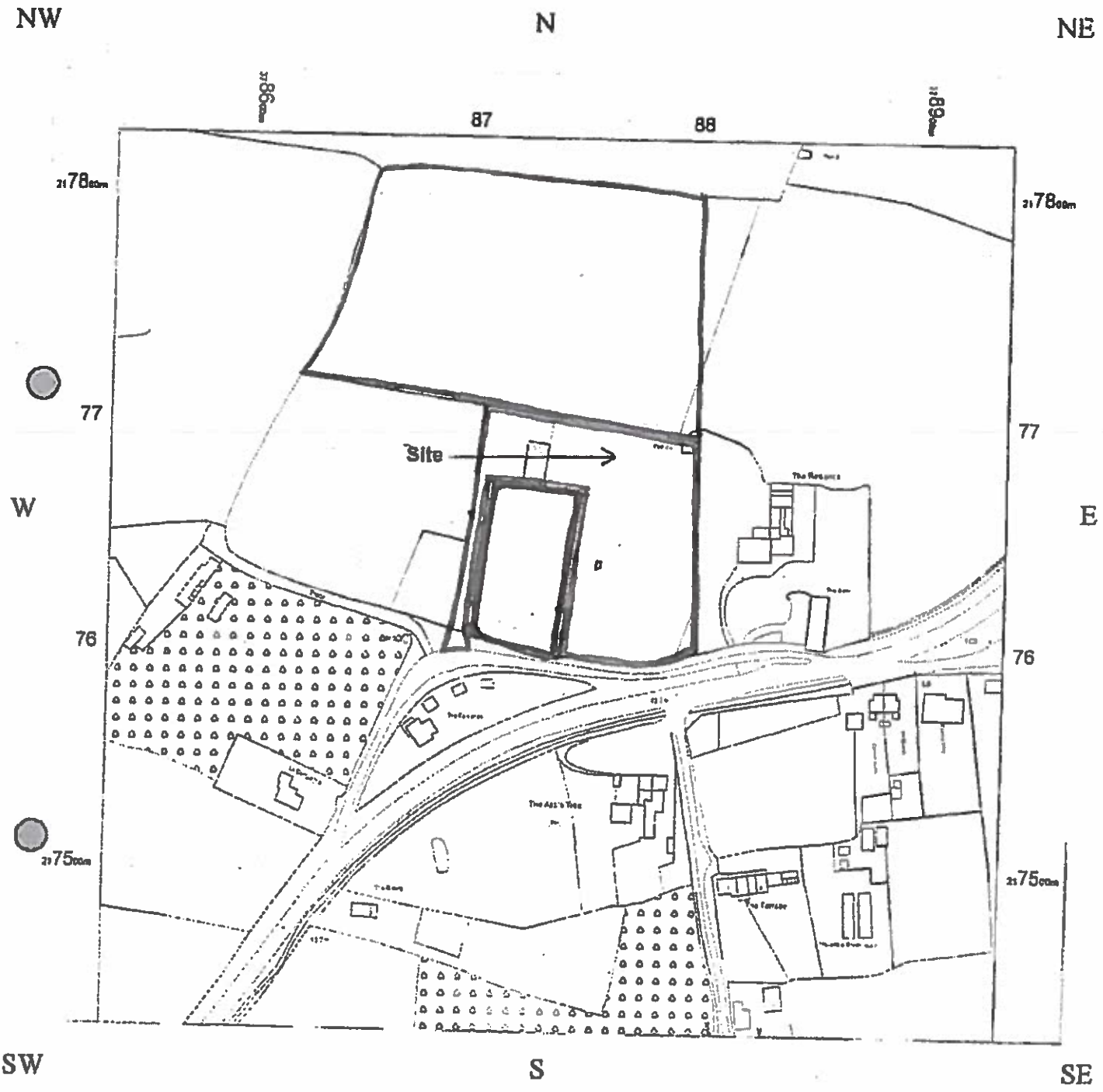
Note:

Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding. However, as a consequence of the clear conflict with Development Plan Policy no direct negotiation during the consideration of the application has taken place.

15/00948/FUL

LOCATION PLAN



SCALE- 1: 2500

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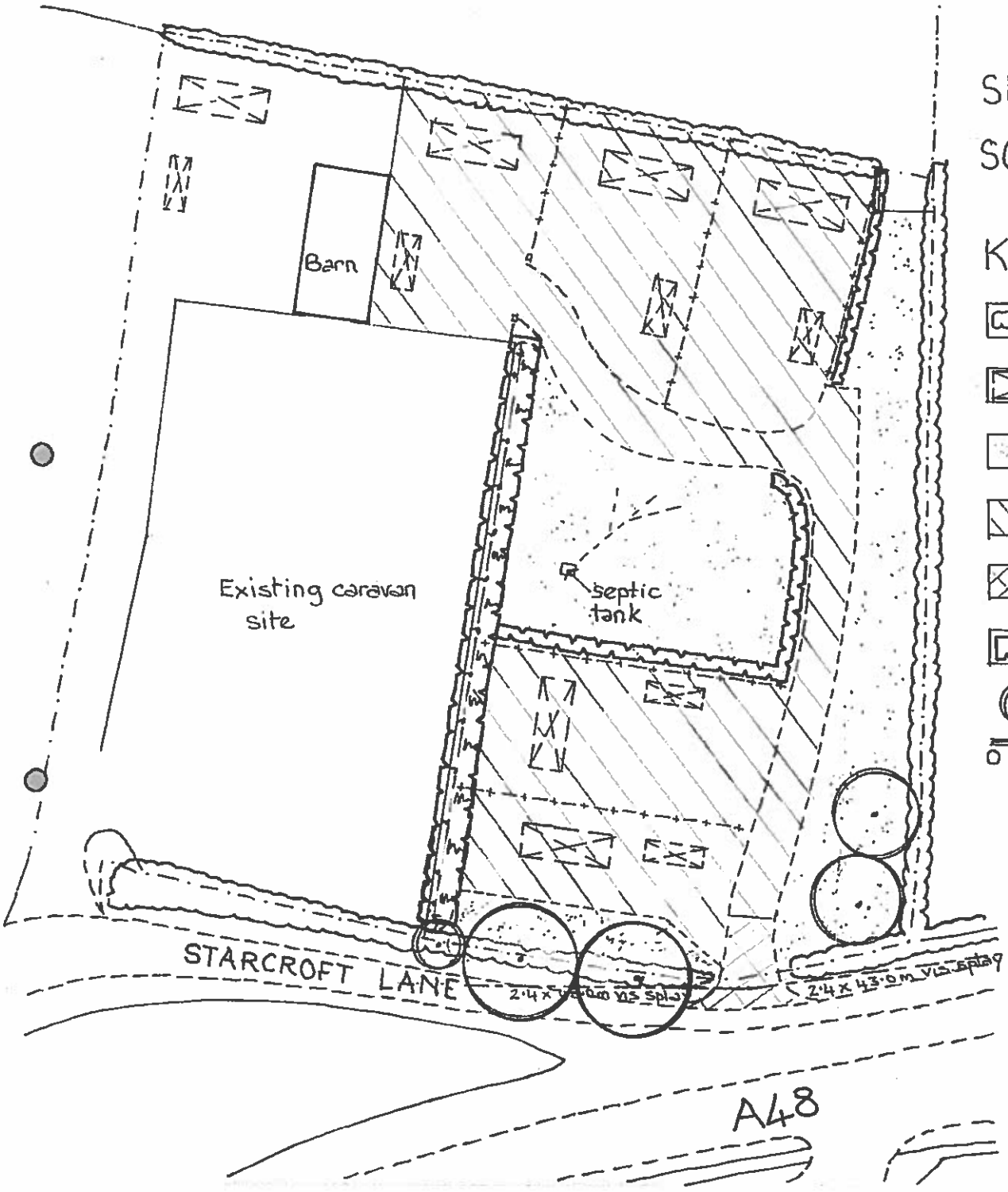
46/A



SITE LAYOUT PLAN

SCALE 1:500

KEY:

- existing hedgerows
- position of caravans
- grass
- gravel
- tarmacadam
- proposed tree/hedge planting
- trees to be retained

0 25

N

4618

16/00236/FUL	**Home Farm, Brockhampton Lane, Brockhampton**	**8**
Valid 01.03.2016	Variation of Condition 2 of Planning Permission 14/01128/FUL to allow the existing external parking area for indoor riding building to be used for storage of vehicles such as caravans, motor homes.	
Grid Ref 393922 226330 Parish Bishops Cleeve Ward Cleeve Grange	Mr Gary Rickards Home Farm Brockhampton Lane Brockhampton	

RECOMMENDATION Refuse

Policies and Constraints

NPPF
Planning Practice Guidance
Tewkesbury Borough Local Plan to 2011 March 2006 - GRB1, EMP4, LND4, TPT1 and EVT3.
Joint Core Strategy 'Submission' version
Green Belt
Unclassified Road

Consultations and Representations

County Highways - No objection

Parish Council - Support the development

Environmental Health - No objection

One letter of neighbour representation received raising the following concerns:
- Increase traffic movements on a lane which is not designed for commercial use which would result in highway safety issue.
- There has been an increase in criminal activity as a result of the caravans being stored.
- This operation should be on an industrial estate.

The application has been called to Planning Committee at the request of Councillor Hillier Richardson in order to assess the impact of the development on the Green Belt.

Planning Officers Comments: Mr Ciaran Power

1.0 Application Site

1.1 The application relates to Home Farm, Brockhampton Lane, Brockhampton which currently operates as an equestrian centre and a caravan storage use. The site is located wholly within the Gloucestershire Green Belt.

2.0 Planning History

05/00608/OUT - Outline application for the erection of an indoor equestrian riding arena with ancillary facilities (office, judges room, storage and competitors waiting area) (including siting and means of access). Permitted 5th August 2005.

06/00214/FUL - Reserved matters application for an indoor riding arena. Granted 17th May 2006.

12/00485/FUL - Extension to manège & extension of existing parking area, Granted 8th August 2012.

14/00304/CLP - Proposed use of an indoor riding arena (D2) as an indoor play activity centre (D2). Certificate Granted, 27th May 2014.

14/01128/FUL - Dual use of equestrian centre, i.e either D2 or B8 storage for vehicles, such as Caravans, Motor Homes, Granted January 2015.

15/00238/FUL - Installation of standalone PV modules and associated infrastructure covering a 10 hectare site, Granted 2015.

15/01313/FUL - Variation of Condition 2 of Planning Permission 14/01128/FUL to allow the existing external parking area for indoor riding building to be used for storage of vehicles such as caravans, motor homes, refused January 2016.

3.0 Current Application

3.1 The current proposal seeks permission for the variation of Condition 2 of Planning Permission 14/01128/FUL to allow the existing external parking area for indoor riding building to be used for storage of vehicles such as caravans, motor homes.

4.0 Policy Context

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the area currently comprises the saved policies of the Tewkesbury Borough Local Plan to 2011 - March 2006. Other material policy considerations include the National Planning Policy Framework (NPPF) and Planning Practice Guidance; and the emerging Cheltenham, Tewkesbury and Gloucester Joint Core Strategy, which is currently at 'Submission' stage.

4.2 Paragraph 215 of the NPPF provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

4.3 In addition, paragraph 216 of the NPPF sets out that that from the day of publication decision-makers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan. The weight to be attributed to each policy will be affected by the extent to which there are unresolved objections to relevant policies with the emerging plan (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency of the emerging policies to the NPPF. The more advanced the preparation of a plan, the greater the weight that may be given.

Green Belt policy

4.4 Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 presumes against inappropriate development and states that proposals will not be granted in the Green Belt other than for, inter alia, the carrying out of an engineering operation or the making of a material change of use of land provided that it maintains the openness of the Green Belt and does not conflict with the purposes of including land within it; and the re-use of buildings which are of permanent and substantial construction.

4.5 The NPPF also presumes against inappropriate development that would compromise the open character of the Green Belt and the purposes of including land within it. Paragraph 90 of the NPPF echoes Policy GRB1 in terms of its policy on engineering operations and the re-use of buildings. Policy SD6 of the JCS Submission (November 2014) also reiterates the provisions of the NPPF in relation to Green Belt policy. As such, Local Plan policy GRB1 and JCS policy SD6 are considered to be generally consistent with the NPPF and should be afforded appropriate weight in this case.

4.6 The NPPF further explains that inappropriate development should not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances will not exist unless that harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Rural Employment policy

4.7 One of the 'core principles' of the NPPF is to proactively drive forward and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country's needs. Policy EMP4 of the Local Plan is a permissive policy and supports new small-scale employment uses, which are appropriate to their context; and which make use of sites with existing buildings and structures, providing that such development are:

- capable of safe and convenient access by road without detriment to the local highway network;
- well related to local residential areas in such a way to allow access by walking, cycling or public transport;
- by means of good design, siting and appropriate landscaping, be satisfactorily assimilated into the countryside; and
- not lead to any significant adverse effect on nearby residential way of noise, vibration, pollution, traffic generation or other disturbance.

4.8 Policy SD2 of the JCS Submission document refers to employment provision and is similar in content to Policy EMP4 in terms of its support for sustainable economic growth, subject to compliance with other environmental policy criteria. Policy EMP4 of the Local Plan and SD2 of the JCS are therefore considered to be consistent with the NPPF and should be afforded appropriate weight in the determination of this application.

Landscape protection policy

4.9 Another of the NPPF's 'core principles' is the recognition of the intrinsic character and beauty of the countryside. Local Plan Policy LND4 recognises that the countryside of the Borough is worthy of protection for its own sake and provides that in considering proposals for development in rural areas, regard will be given to the need to protect the character and appearance of the rural landscape. In addition, policy SD7 of the JCS Submission reflects the wording of the NPPF in relation to the recognition of protecting the intrinsic beauty of the countryside. These policies are therefore considered to be consistent with the NPPF and should be afforded appropriate weight.

5.0 Analysis

5.1 The key issues for consideration within this application are whether the proposal is inappropriate within the Green Belt, and if so, whether there are any Very Special Circumstances, which clearly outweigh the level of harm that would be caused. Issues of highway safety, sustainable transport, landscape impact and residential amenity are also assessed as part of the overall planning balance.

Green Belt implications

5.2 The proposal seeks planning permission to vary condition 2 to allow the storage of caravans and similar vehicles on an area of land currently used as car parking in connection with the existing operations at the application site. The condition was imposed to protect the visual amenities of the area and the openness of the Green Belt. The external area can be used for car parking in connection with the riding area and other operations associated with Home Farm.

5.3 Planning permission was previously refused for external caravan storage at Home Farm which would have allowed unrestricted external storage at the site. The current application is a revised one which would restrict the number of caravans stored externally to 30 in areas indicated on drawing HF21 **(see attached)**. A number of the storage bays are proposed directly adjacent to existing built development within the Home Farm site which is relatively enclosed. However the siting of caravans for long periods of time would have a greater impact on the openness of the Green Belt than visiting vehicles which would be on site for much shorter periods of time. The proposed use of the land would therefore conflict with the purposes of including land within Green Belt and thus represent inappropriate development.

5.4 Inappropriate development is harmful by definition and should not be permitted except in very special circumstances. It is for the applicant to demonstrate why permission should be granted because of very special circumstances. The NPPF advises (paragraph 88) that substantial weight should be attached to the harm to the Green Belt when considering any planning application. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Applicant's Very Special Circumstances Case

5.5 The applicant has put forward a number of arguments in support of the application. It is stated that the current caravan storage business is established at the application site and the proposed use would support the existing business and provide much needed secure storage within the immediate area. In addition the applicant points to degradation of the landscape from previous development and extant planning permissions. The applicant has highlighted the lack of capacity within the area. The existing business is also a Caravan Site Storage Owners Association (CaSSOA) accredited site, one of only 3 within a 10 mile radius of the site. Storage of caravans within existing rural buildings at the application site has previously been

accepted as appropriate development within the Green Belt. The application site provides an accessible storage solution to Cheltenham residents amongst others and it is accepted that caravanning plays an important role in tourism and economic development across the UK and facilities like this are required for many people to be able to pursue caravanning. Further the applicants maintain their existing holding meeting DEFRA obligations and income generated by the proposals would support them to continue to do this.

Officer comments on the very special circumstances case

5.6 The fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. As set out above, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It is acknowledged that the proposal would support the existing business and help provide caravan storage in the area. However the original use of the site for caravan storage involved the reuse of existing buildings which itself is not inappropriate development within the Green Belt. The proposed development seeks to expand the business in a manner that constitutes inappropriate development, due to it utilising external areas of the site for open storage. Whilst the existing business is clearly successful the wish to expand it is not itself considered to represent very special circumstances. Further whilst the site is one of few CaSSOA sites in the area, there are other sites further afield which could be utilised as well as nearer non-CaSSOA sites that may be available. Nevertheless whilst there may be demand caravan storage, which in turn contributes towards tourism this argument is considered to attract limited weight in the planning balance and does not amount to a very special circumstances.

5.7 The applicant also refers to the degradation of the landscape from previous development and extant planning permissions. However the presence of previous developments do not provide justification for further degradation of the Green Belt. Of particular note is the permission for the solar farm development on the field to the north of the site, however in that case the development was a large renewable project, the sustainable energy benefits of which were considered to amount to very special cirsumtances that clearly outweighed the harm to the Green belt in that case. Nevertheless each application should be considered on its own merits. Having regard to the above it is not considered that these factors constitute the very special circumstances required to clearly outweigh the level of harm that would be caused, by reason of inappropriateness and to the openness of the Green Belt. The proposed variation conflicts with Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 - March 2006, Policy SD6 of the JCS (Submission Version) November 2014 and the NPPF in that it represents inappropriate development in the Green Belt and would compromise its open character, appearance and function.

Highway safety & Accessibility

5.8 Whilst some concern has been raised by a local resident concerning highway safety the County Highways Officer has been consulted from an accessibility and highway safety point of view. In terms of accessibility the Highways Officer is satisfied that the number of vehicle movements resulting from this use would be minimal and would be unlikely to have a material impact on trip generation in the area. As such, it is not considered that the development would result in severe impacts from an accessibility point of view. The proposal therefore accords with Policy TPT1 of the Local Plan.

Residential Amenity

5.9 There are no residential dwellings in close proximity to the application site and therefore it is not considered that the development would have a detrimental impact on residential amenity.

6.0 Conclusion

6.1 Whilst the proposal would support the existing business and the applicants arguments in favour of the proposal are noted, it is not considered that these factors constitute the very special circumstances required to clearly outweigh the level of harm that would be caused. Having regard to this it is considered that the proposed variation conflicts with Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 - March 2006, Policy SD6 of the JCS (Submission Version) November 2014 and the NPPF in that it represents inappropriate development in the Green Belt and would compromise its open character, appearance and function. The application is therefore recommended for refusal.

RECOMMENDATION Refuse

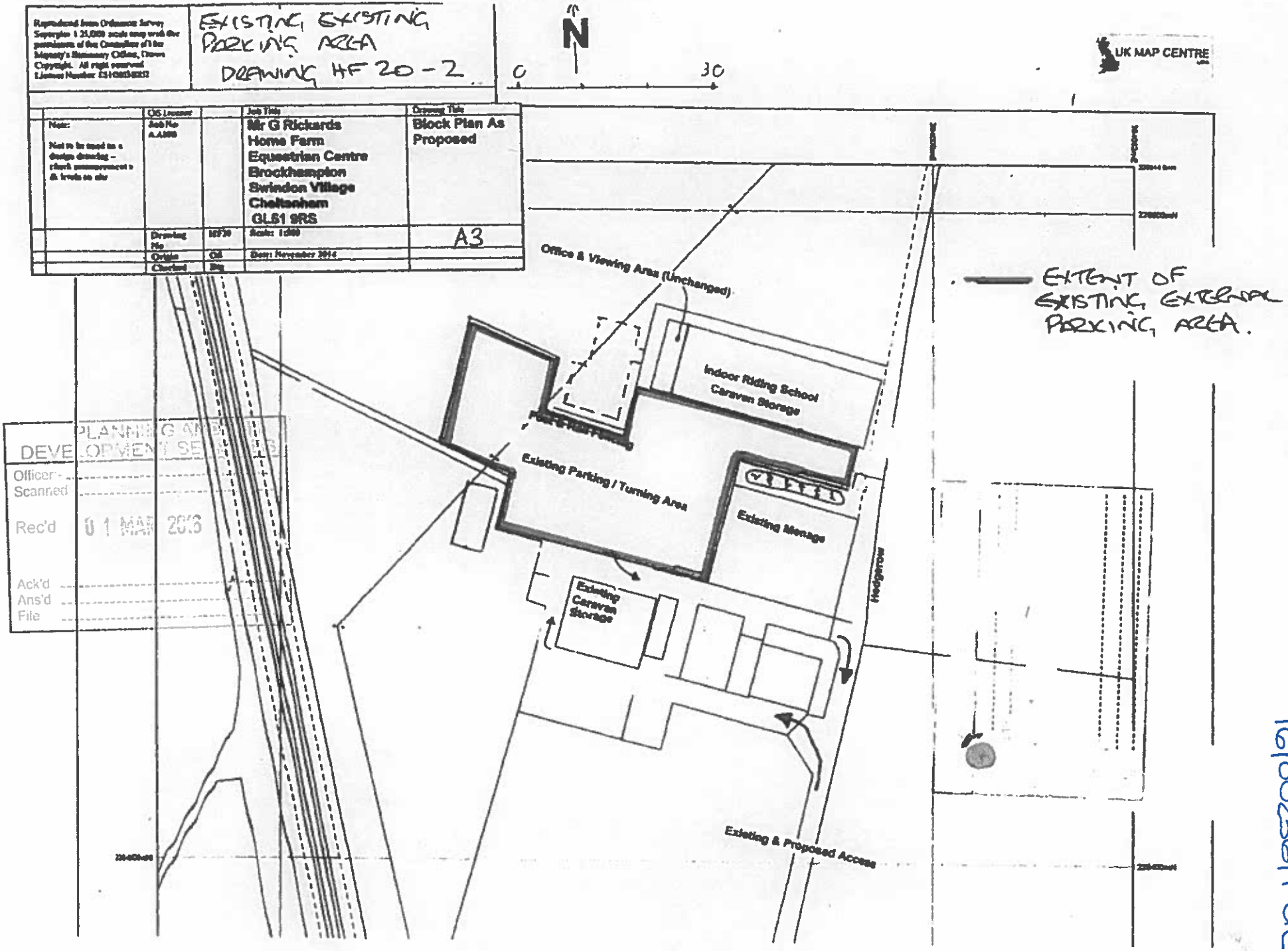
Reason:

The proposed development represents inappropriate development in the Green Belt which would compromise its open character, appearance and function. The proposed development is therefore contrary to paragraphs 87, 88 and 89 and 90 of the National Planning Policy Framework, Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and Policy SD6 of the JCS (Submission Version) November 2014.

Note:

Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding. However, as a consequence of the clear conflict with Development Plan Policy no direct negotiation during the consideration of the application has taken place.


EXISTING EXISTING PARKING AREA DRAWING HF 20-2
Reproduced from Ordnance Survey Copyright. All rights reserved. Licence Number
N
0
30
UK MAP CENTRE
Note: Not to be used as a design drawing – check measurements & levels on site
OS Licence
Job No A.1000
Job Title
Mr G Rickards
Home Farm
Equestrian Centre
Brockhampton
Swindon Village
Cheltenham
GL51 9RS
Drawing Title
Block Plan As Proposed
Drawing No HF20
Scale: 1:500
A3
Origin GR
Date: November 2014
Checked Rig
Office & Viewing Area (Unchanged)
EXTENT OF EXISTING EXTERNAL PARKING AREA.
Indoor Riding School
Caravan Storage
Existing Parking / Turning Area
Existing Menage
Existing Caravan Storage
Hedgerow
Existing & Proposed Access
PLANNING AND DEVELOPMENT SERVICES
Officer
Scanned
Rec'd 01 MAR 2016
Ack'd
Ans'd
File
S1A
16/00236/FUL

views towards railway and waste tip

views towards railway and waste tip

PLANNING AND DEVELOPMENT SERVICES
Officer .....
Scanned .....
Rec'd - 0 1 MAR 2016
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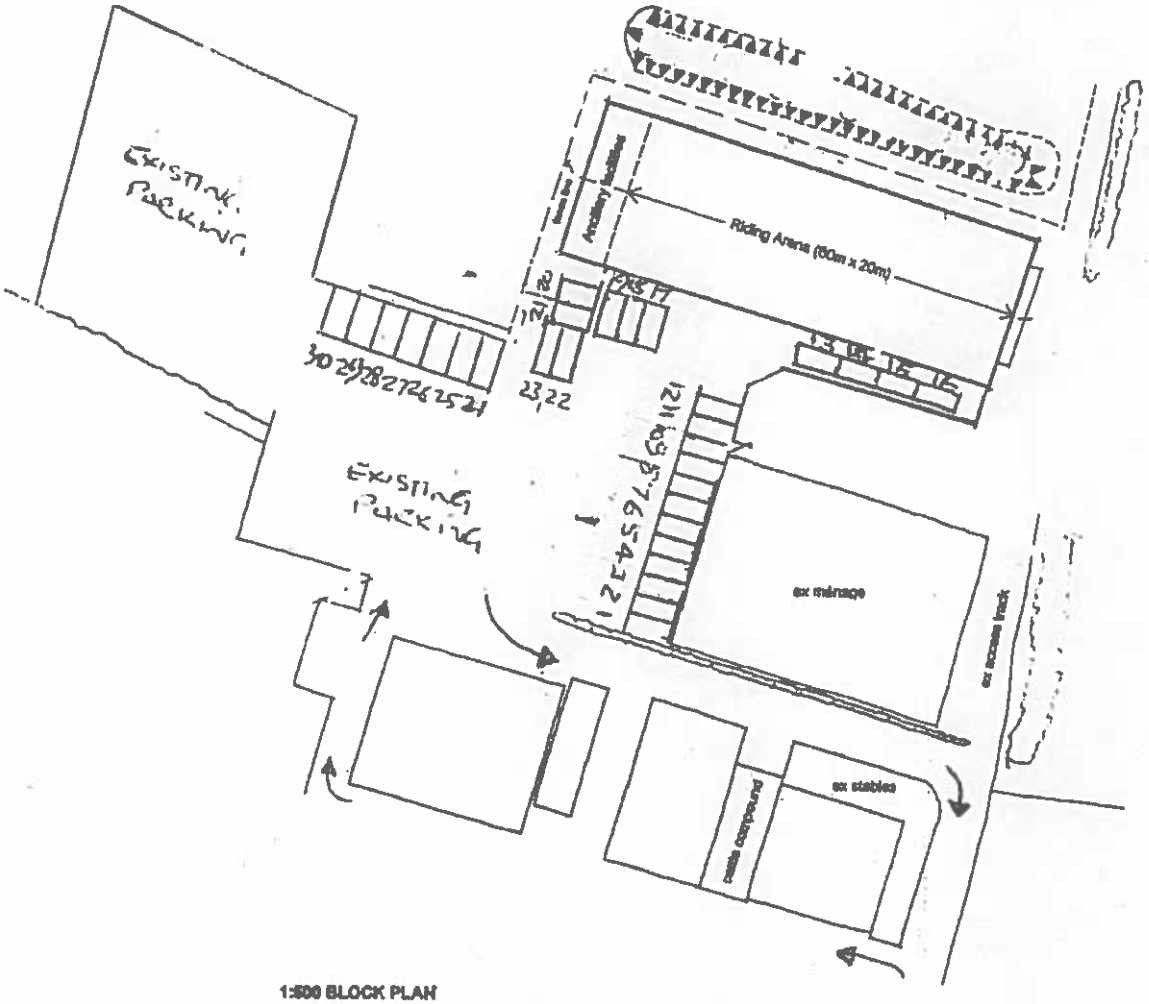


1:500 BLOCK PLAN

DRAWING MADE FROM HF02
PROPOSED BAY LAYOUT
TYPICAL BAY 8m x 3m

Mr G Ricketts Home Farm Equestrian Centre Brockhampton Swindon Village Cheltenham GL51 9RS	Block Plan As Proposed		
	Drawing No	HF 20	Scale 1:500
	Origin	LH	Date November 2014
	Checked	Reg	A3

3.2.16

DRAWING HF 21

5218

16/00274/FUL **Fortitude, Birdlip Hill, Witcombe** **9**

Valid 17.03.2016
Grid Ref 391434 215118
Parish Badgeworth
Ward Badgeworth

Erection of three detached dwellings and associated works

Mr John Wilsdon
C/o Agent

RECOMMENDATION Refuse

Policies and Constraints

NPPF
Planning Practice Guidance
Tewkesbury Borough Local Plan to 2011 - March 2006, HOU4, TPT1, LND7, EVT5, EVT9 and NCN5
Joint Core Strategy Submission Version November 2014 - Policies, SD1, SP2, SD5, SD8, SD7, SD9, SD13 INF1, INF3 and INF7
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property)
AONB

Consultations and Representations

Great Witcombe Parish Council - Object:
- If this application were accepted it would pave the way for further residential applications.
- Previous planning applications for the site as holiday accommodation does not justify the proposed development.
- This would represent unrestricted residential development in the countryside.
- Proposal would be detrimental to the landscape character of the AONB.
- Development would be out of keeping with the area.
- The proposal would be a suburban enclave outside of a residential development boundary.
- Site is poorly served by facilities and services.
- Area is already making contributions to meeting housing shortfall.
- Highway safety concerns.

Badgeworth Parish Council - Object :
- The Parish Council notes that this application is extremely similar to the previous application, and therefore wish the comments on application no.15/01188/FUL - Erection of four detached dwellings and associated works at Fortitude, Birdlip Hill to be put forward. The principle of objection remains the same.
- This application site is situated within the Cotswold AONB and is within attractive and somewhat isolated countryside on the slopes of Birdlip Hill, Witcombe. The proposal would result in landscape harm to the AONB.
- Following a successful planning appeal in 1992, approval was granted for the erection of 10 log cabins for use as holiday homes - these homes were to be used for temporary residence for holiday/leisure purposes only. This is not a brownfield site where the removal of existing buildings would allow arguments to be put forward that the AONB would be significantly enhanced through the erection of new dwellings or some other form of new build. The substitution of log cabins by the erection of 4 modern detached dwellings would do nothing to improve this area of the AONB landscape.
- The Parish Council concurs with the opinion of the Borough Council's Urban Design Officer that this development should not be approved because of its position within the AONB.
- The development site is not within a defined settlement area.
- The development site is not sustainable. It is a car dependent location. There are no services such as a local shop, health centre/doctor's surgery, public transport, community meeting place. The local primary school in Birdlip is at the top of the escarpment and can only safely be reached by car. There are no pavements or street lighting on Birdlip Hill.
- In November 2011, a development application for the erection of 3 houses on this site was refused by the Borough Planning Committee.
- Access in and out of the development site is not ideal.

Cotswolds Conservation Board: Object for the following reasons:

- New permanent residential dwellings with gardens, parking, lighting and all the trappings of residential development, would result in a clear change in character from a rural scene to a group of houses in the countryside (a greater overall and lasting impact and change of character as compared to log cabins for holiday use).
- Both the CRoW Act and Para.55 seeks an element of landscape enhancement, however building new houses in the countryside, no matter how well concealed, will result in negative impact particularly in relation to an AONB. The future occupiers of the site would also likely to be car reliant as the site is away from any settlement and so this development also fails the tests of "sustainable development" at Paras. 6 and 7 of the NPPF and would lead to a precedent for other such developments across the open countryside of this nationally protected landscape.

Urban Design Officer - Objects. To summarise this is not a sustainable location for residential development, the design quality is low and development on this site should be resisted.

Natural England - No comments received

County Highway Authority - No objection, subject to conditions.

Laurence Roberson MP - Objects to the development

10 letters of neighbour objection received and a petition bearing 57 signatures has been submitted raising the following concerns:

- The application is so similar to the previous one that it can only be refused.
- This is the forth application to build houses on this site all the previous having been refused.
- Site is located within the AONB and the proposed development is inappropriate
- There is significant planning history and enforcement history relating to the site.
- The fall-back position has little chance of being implemented in full.
- The proposed built form would be totally inappropriate and out of keeping with existing dwellings in the area.
- Despite the application's reference to the NPPF a development of 3 executive-type houses will hardly contribute to the housing crisis and need for deliverable sites and certainly not provide village accommodation for those who cannot afford market prices.
- Application documentation is inaccurate and misleading.
- Proposal would result in highway safety issues.
- Perhaps the best solution to this 25 year saga would be for the developer to appeal back to the Planning Inspectorate for a decisive decision.
- Location is unsustainable there are no services nearby.
- Potential flooding issues.
- The proposed ponds would be health and safety risk.

10 letters of support received raising the following points:

- Help provide houses
- Development would contribute to local community
- Houses would be better than the erection of 10 log cabins.

Councillor Foyle has requested Committee determination to hear the whole arguments put by both sides on the new proposal and how the new application is seen to be more intrusive than the one that already exists.

Planning Officers Comments: Mr Ciaran Power

1.0 Application Site

1.1 The application relates to land at Woodview, Birdlip Hill, Witcombe, which is located within an area of open countryside forming the lower slopes of the Cotswold Scarp within the Area of Outstanding Natural Beauty. The site comprises approximately 1.3 hectares of land and benefits from an existing access off the Birdlip Hill Road, which is a classified highway. A single detached timber log cabin, which is used as holiday accommodation, and a partially constructed access track are located on the land.

2.0 Planning History

2.1 Outline planning permission was originally granted on Appeal by in 1992 for the erection of 10 holiday log cabins, with associated sports facilities, manager's accommodation and access under planning ref: 90T/7589/02/01. This permission has subsequently renewed on a number of occasions, and the permission has now been implemented following the construction of one of the log cabins on the site. Although the remaining log cabins and associated leisure facilities have not been built to date the permission is considered to be extant. In allowing the appeal, the Planning Inspector imposed a planning condition preventing the 'proprietor's accommodation' from being occupied prior to the completion of the 10 holiday log cabins, and its occupation limited to a person solely or mainly working in the business comprising the 10 holiday log cabins with associated sports facilities. The condition was imposed given that the site was considered unacceptable for general residential use by reason of its location within the open countryside and Cotswold AONB and due to its access on to the Birdlip Road, where vehicle speeds are high.

2.2 More recently, an outline planning application was refused in 2011 for the erection of 3 detached dwellings on the site (app ref: 11/01028/OUT). The development was predominantly refused due to the site being considered unsuitable for housing due to its location outside an established settlement boundary and its location within the AONB. An application was permitted in June 2014 for the removal of condition 9 of the log cabins permission to allow the leisure/sporting facilities to be used by the general public (14/00244/FUL).

2.3 An application was refused in 2014 to vary condition 10 attached to permission ref: 98/7589/0097/OUT to allow the proprietor's accommodation to be occupied after 5 log cabins being complete. This application was refused because, *"The site is unsuitable for unrestricted residential use by reason of its isolated location within the open countryside, where there are poor pedestrian, cycle and public transport links to the nearest facilities and amenities. It has not been demonstrated that the variation of condition to allow the occupation of the proprietor's accommodation after the completion of the 5th holiday log cabin is reasonably necessary to serve this tourism related use. The proposal therefore conflicts with paragraph 55 of the National Planning Policy Framework (NPPF)".*

2.4 A further application was submitted in January 2015 for the variation of condition 10 from application 02/7859/1723/OUT to allow the proprietor's accommodation to be occupied after 5 log cabins have been completed as opposed to 10. This was subsequently refused for the same reason as the 2014 application above.

2.5 An application was submitted (15/01188/FUL) for the erection of four detached dwellings and associated works and this was refused by Planning Committee in February 2016. Prior to consideration by the Planning Committee the applicants had requested that committee defer the application to allow the removal of one of the units. This matter was discussed at Planning Committee and members resolved to determine the application in front of them. This application was refused for the following reasons:

1. The proposed development conflicts with paragraph 55 of the NPPF in that the application site is in isolated countryside location and there are no special circumstances in this case that would justify supporting the development.

2. The proposed development by virtue of its size and location would have a visually intrusive impact on the open character and visual attractiveness of the Cotswold Area of Outstanding Natural Beauty. The proposal therefore conflicts with emerging Policy SD8 of the Submission Joint Core Strategy (November 2014) and section 11 of the NPPF (Conserving and enhancing the natural environment).

3. The site is not well served by public transport, pedestrian or cycling facilities and residents of the proposed development would be heavily reliant on the use of the private motor car to meet their daily transport needs. The proposed development is therefore contrary to the core principles of land-use planning set out at paragraph 17 of the NPPF, sections 4 (Promoting Sustainable Transport), 8 (Promoting healthy communities), policies TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging policies SP2 and SD7 of the Submission Joint Core Strategy (November 2014).

4. The proposal, by virtue of its design, layout and density, would result in an adverse visual impact on the street scene and locality generally. Furthermore, the proposal would represent an isolated form of development which would be poorly connected to existing settlements and wider residential areas. The proposal would therefore not respect the form, character and history of the area and fail to achieve high quality and inclusive design contrary to section 7 of the NPPF (Requiring good design) and emerging Policy SD5 of the Submission Joint Core Strategy (November 2014).

2.6 At the Committee meeting in February 2016 Members were invited by the applicant's planning agent to consider an alternative scheme for 3 dwellings, essentially the scheme that is now proposed.

3.0 Current Application

3.1 The current application seeks planning permission for the erection of 3 detached dwellings. The proposed development would utilise the existing access off of Birdlip Hill. The proposals include three dwellings of contemporary design. Each dwelling would have its own defined curtilage with domestic garden area, parking.

4.0 Policy Context

4.1 The application site lies outside of a recognised settlement boundary as defined by the Tewkesbury Borough Local Plan to 2011 - March 2006, where the principle of unrestricted market housing is considered unacceptable in accordance with policy HOU4. Policy HOU4 is based on the now revoked Structure Plan housing numbers and for that reason is considered out of date in the context of the NPPF in so far as it relates to restricting the supply of housing. The policy is also out of date in this context because the Council cannot demonstrate a five year supply of deliverable housing sites.

4.2 However, the reasoning behind the site being located outside any defined residential development boundary is still pertinent in that it confirms that the site is isolated, within a countryside location and is not accessible to local facilities and amenities. In this regard, paragraph 55 of the NPPF seeks to avoid isolated new dwellings in the countryside.

4.3 Section 9 of the NPPF highlights that support should be given to economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy local authorities should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations.

4.4 This approach is mirrored within Local Plan policy TOR4, which states that in considering proposals for log cabins sites, overriding protection will be afforded to the landscape, particularly with regard to siting and landscape design and impact on local amenity. Any proposal must be well related to main routes and details of site layout and landscaping will be required. The policy states that particular regard will be had to the protection of the natural landscape within the AONB, consistent with advice in the NPPF.

5.0 Analysis

Principle of Development

5.1 The application proposes the erection of 3 market dwellings at the application site. The site is located outside of a recognised settlement boundary in a countryside location. The NPPF seeks to prevent the unsustainable creation of new housing development in the remote countryside. It states at paragraph 55 that isolated new dwellings in the countryside should be avoided. In this case, it is clear that the site is within an isolated location, remote from the nearest larger settlement of Brockworth, and poorly served by sustainable means of travel and local facilities and amenities.

5.2 The applicant has referred to the fall-back position on the site that would allow the construction of tourist facilities including 10 log cabins, proprietors accommodation and associated facilities. It is acknowledged that the use of the site for tourist purposes has been implemented and the extant permission could be implemented in full. However it is an important factor that whilst market dwellings are unacceptable in principle in this location tourist accommodation is not which is why different planning policies apply to each. Indeed tourist accommodation serves a very different function than market dwellings. The purpose of tourist accommodation is to provide facilities and attract visitors to the area which help to support the local economy. The tourist trade is an extremely important part of the local economy and Paragraph 28 of the NPPF supports sustainable rural tourism and leisure development as part of a prosperous rural economy. It is also important that the original planning permission for the tourist accommodation, granted at appeal included a condition controlling the use of the accommodation for tourist purposes. It is accepted that the completion of this development would undoubtedly change the character of the site to some degree. However, in granting planning permission for this use, the Appeal Inspector reasoned that the proposal was for a tourism related use, which is fundamentally supported by national and local planning policy, including on sites within the AONB. The Inspector considered that the holiday accommodation scheme would have been of high quality, and given the low-key form of the log cabins and the nature of the use, the development would not have contributed to the appearance of sporadic residential development in the countryside.

5.3 The Appeal Inspector also highlighted that there was a clear difference between allowing holiday accommodation for tourism purposes and allowing permanent residential development. He therefore considered it necessary to impose planning conditions to prevent permanent residential use on the site in the future. For these reasons, it is not considered that the fall-back position of completing the holiday accommodation permission would provide a strong material consideration that would warrant the granting of planning permission in this case.

5.4 There have also been a number of attempts by the applicant to remove a condition relating to the number of log cabins which have to be built before the proprietors accommodation can be constructed. In addition an outline planning application for the erection of 3 detached dwellings on the site (app ref: 11/01028/OUT) was refused in 2011, primarily due to the site being considered unsuitable for housing due to its location outside an established settlement boundary and its location within the AONB. Further an application for 4 dwellings (15/01188/FUL) was refused as recently as February 2016 and there reasons are set out in section 2 of this report.

5.5 Having regard to the above it is not considered that the principle of the proposed development is acceptable in this location. Whilst there is clearly a fall-back position in relation to what could be built on site the fact remains that tourist accommodation is acceptable in principle in this location and market dwellings are not. The proposed development is clearly contrary to Policy HOU4 of the Local Plan and the aims and objective of Paragraph 55 the NPPF which seeks to avoid isolated new dwellings in the countryside.

Landscape Impacts

5.6 The application site is located within the AONB. The site slopes downwards from east to west. The Framework at paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and, at paragraph 115, it emphasises that great weight should be given to conserving landscape and scenic beauty in AONBs. Additionally, it points out that AONBs have the highest status of protection in relation to landscape and scenic beauty.

5.7 The application has been submitted with a LVIA which concludes that the development can be achieved without significant harm to the landscape character. Whilst the absence of wider impacts on the AONB described in the LVIA are generally accepted it is considered that the assessment underplays the impact the development would have on local views particularly from the public highway to the west and viewpoints 1 and 2 identified in the submitted LVIA. Further the LVIA appraisal summary concludes that the sensitivity of the landscape is considered to be low. However this assessment seems to be largely as a result of the "uncharacteristic" wooden chalet style buildings. The appraisal describes this as "detractor elements" and the summary goes on to say that the development offers opportunities to introduce enhancements replacing uncharacteristic built form with build form that reflects local architectural style. Whilst it is accepted that the extant planning permission could be implemented and that there is an existing wooden chalet on site, these buildings are low in height and low key. The proposed development would introduce three large detached properties of a contemporary design which would fail to reflect local architectural style and would result in a relatively urban form of development in the open countryside. It is difficult to see how the impacts could be appropriately mitigated by additional planting as proposed.

5.8 Whilst it is accepted that the site has an extant permission for the 10 holiday log cabins, which would have some visual impact on the Cotswold AONB, it is not considered that the implementation of that use would have as great a visual impact on the AONB as the currently proposed development. Whilst the current scheme seeks to resolve the landscape reasons for refusal of the most recent application by reducing the number of dwellings proposed and the extent of the application site is reduced, it is noteworthy that the the application is similar in scope to the application refused in 2011 - although the siting of the proposed dwellings is different. That application was similarly refused on landscape grounds given the harm to the AONB and officers do not consider that there has been a change in material circumstances since that time that would justify an alternative decision. The proposed dwellings would be of a significant size and scale, and the inevitable domestication of the land as a result of residential curtilages and domestic paraphernalia would have a significantly greater impact on the AONB than that provided by the extant permission. The proposal would therefore be contrary to emerging Policy SD8 of the Submission Joint Core Strategy (November 2014) and section 11 of the NPPF (Conserving and enhancing the natural environment).

Design

5.9 The NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also provides that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.

5.10 In addition paragraph 61 of the NPPF states that "securing high quality and inclusive design" goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment". This emphasises how important achieving appropriate integration and connectivity are to ensuring that new development will positively contribute to the relationships between people and places.

5.11 This site is located within the AONB and is isolated from any other residential development. The proposed development would not form part of a sustainable community and would not integrate or provide connectivity to any existing settlements. Conversely, the proposal would appear as a detached enclave of large residential dwellings in the open countryside.

5.12 There is very little design rational or justification submitted with the planning application. The architectural detailing is poor and the development is out of character with the area. The 3D images show reliance on substantial screening from trees on the boundary of the site to mitigate the visual impact of this development on the AONB. Further the layout of the dwellings does not appear to relate to the topography of the site or address the access or highway in a positive manner. Front and back relationships of properties is confused and it is unclear what is public or private space.

5.13 In conclusion the development fails to successfully integrate or connect to any village or settlement and its design and layout would result in a poor form of development that would detract from the character and appearance of the street scene and area generally. This weighs significantly against the proposal in the planning balance.

Sustainable Transport and Highway Safety

5.14 Section 4 of the NPPF (Promoting sustainable transport) recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. It states at paragraph 29 that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that "opportunities to maximise sustainable transport solutions will vary from urban to rural areas". Paragraph 32 states that planning decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure. Furthermore, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 34 states that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in the Framework, particularly in rural areas.

5.15 The NPPF also states at paragraph 28 (supporting a prosperous rural economy) that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

5.16 Policy SD5 of the submission version of the JCS requires new development to be designed to integrate, where appropriate, with existing development, and prioritise movement by sustainable transport modes, both through the application of legible connections to the wider movement network.

5.17 With regards to the amount of services accessible to the site, there are few if any and the application site is located within an isolated location outside of a settlement boundary and remote from any service village or centre as defined by the Submission JCS. One of the core planning principles set out in paragraph 17 of the NPPF is that patterns of growth should be actively managed to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are, or can be made, accessible. The proposed development would add more development in a place which is not currently well served by public transport. Furthermore, walking and cycling along the Birdlip Hill Road would not be desirable, owing to the rural and unlit nature of the road.

5.18 The applicants point to the fall-back position, in relation to tourist accommodation however tourist accommodation is different in planning policy terms. This is because permanent residential uses are likely to create significantly greater levels of vehicular traffic movements than that of holiday accommodation, which is unlikely to achieve year round occupancy and does not usually result in the same number of daily vehicular trips.

5.19 On this basis it is therefore considered that the application site is isolated in the context of paragraph 55 of the NPPF and the site's locational disadvantages weighs heavily against the proposal in the planning balance.

5.20 In terms of highway safety, the County Highway Authority have assessed the application and confirmed that the access is capable of achieving an appropriate level of visibility. Further, although the development would be likely to result in an increase in vehicular trip movements it is not considered that these would significantly intensify the use of the access to the detriment of highway safety. The CHA raise no objection to the proposed development on highway safety grounds subject to the imposition of conditions.

Drainage and Flooding

5.21 The site is located within Flood Zone 1 (low risk) according to the Environment Agency's most recent data, which means that the site has a less than 1 in 1000 annual chance of flooding (0.1% possibility of flooding). In light of this low risk and the relatively small-scale nature of the development, it is not considered that the development would present any significant risk of flooding.

Ecology and Nature Conservation

5.22 The NPPF sets out, inter alia, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments. Furthermore, planning permission should be refused for development resulting in the loss of deterioration of irreplaceable habitats. Local Plan Policy NCN5 seeks to protect and enhance biodiversity in considering development proposals.

5.23 The application has been supported with an Ecological Survey which concludes that the site is considered to be of low ecological value. The impact of the proposed development is therefore regarded as negligible. However it does acknowledge that the development offers the opportunity for ecological enhancements.

5.24 Subject to appropriate planning conditions to secure biodiversity enhancements and mitigation as necessary the proposed development is therefore considered to accord with the NPPF and policy NCN5 of the Local Plan.

Other Matters

5.25 Whilst there are a number of trees along the site boundaries a tree survey has been submitted with the application which confirms that no tree felling would be required to facilitate the development. Some tree surgery and management is proposed. Tree protective barriers would also be in place during in construction to protect the trees and their root protection areas.

5.26 In terms of residential amenity, the site is within a secluded rural location and is a significant distance to the nearest residential properties. As such, the development would not have an undue impact on the residential amenity of neighbouring properties. The development has also been designed so that the dwellings would not have an undue impact on each other.

6.0 Conclusions

6.1 In light of the above, it is considered that the proposed development conflicts with the housing policies of the Development Plan and the proposal would result in an unwarranted visual intrusion in to the Cotswold AONB. The site is also within a location with poor accessibility other than by private car, and is not well served by opportunities for sustainable modes of transport. The provision of three dwellings would result in some economic and social benefits, however these minor benefits would be outweighed by the loss of the extant tourist facility and the significant harms outlined above. Overall the proposal does not constitute sustainable development in the context of the NPPF and there are significant and demonstrable harms which outweigh the minor benefits that the proposal would bring. The application is therefore recommended for **Refusal**.

RECOMMENDATION Refuse

Reasons:

1 The proposed development conflicts with paragraph 55 of the NPPF in that the application site is in isolated countryside location and there are no special circumstances in this case that would justify supporting the development.

2 The proposed development by virtue of its size and location would have a visually intrusive impact on the open character and visual attractiveness of the Cotswold Area of Outstanding Natural Beauty. The proposal therefore conflicts with emerging Policy SD8 of the Submission Joint Core Strategy (November 2014) and section 11 of the NPPF (Conserving and enhancing the natural environment).

3 The site is not well served by public transport, pedestrian or cycling facilities and residents of the proposed development would be heavily reliant on the use of the private motor car to meet their daily transport needs. The proposed development is therefore contrary to the core principles of land-use planning set out at paragraph 17 of the NPPF, sections 4 (Promoting Sustainable Transport), 8 (Promoting healthy communities), policies TPT1 of the Tewkesbury Borough Local Plan to 2011 - March 2006 and emerging policies SP2 and SD7 of the Submission Joint Core Strategy (November 2014).

4 The proposal, by virtue of its design, layout and density, would result in an adverse visual impact on the street scene and locality generally. Furthermore, the proposal would represent an isolated form of development which would be poorly connected to existing settlements and wider residential areas. The proposal would therefore not respect the form, character and history of the area and fail to achieve high quality and inclusive design contrary to section 7 of the NPPF (Requiring good design) and emerging Policy SD5 of the Submission Joint Core Strategy (November 2014).

Note:

Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding. However, as a consequence of the clear conflict with Development Plan Policy no direct negotiation during the consideration of the application has taken place.

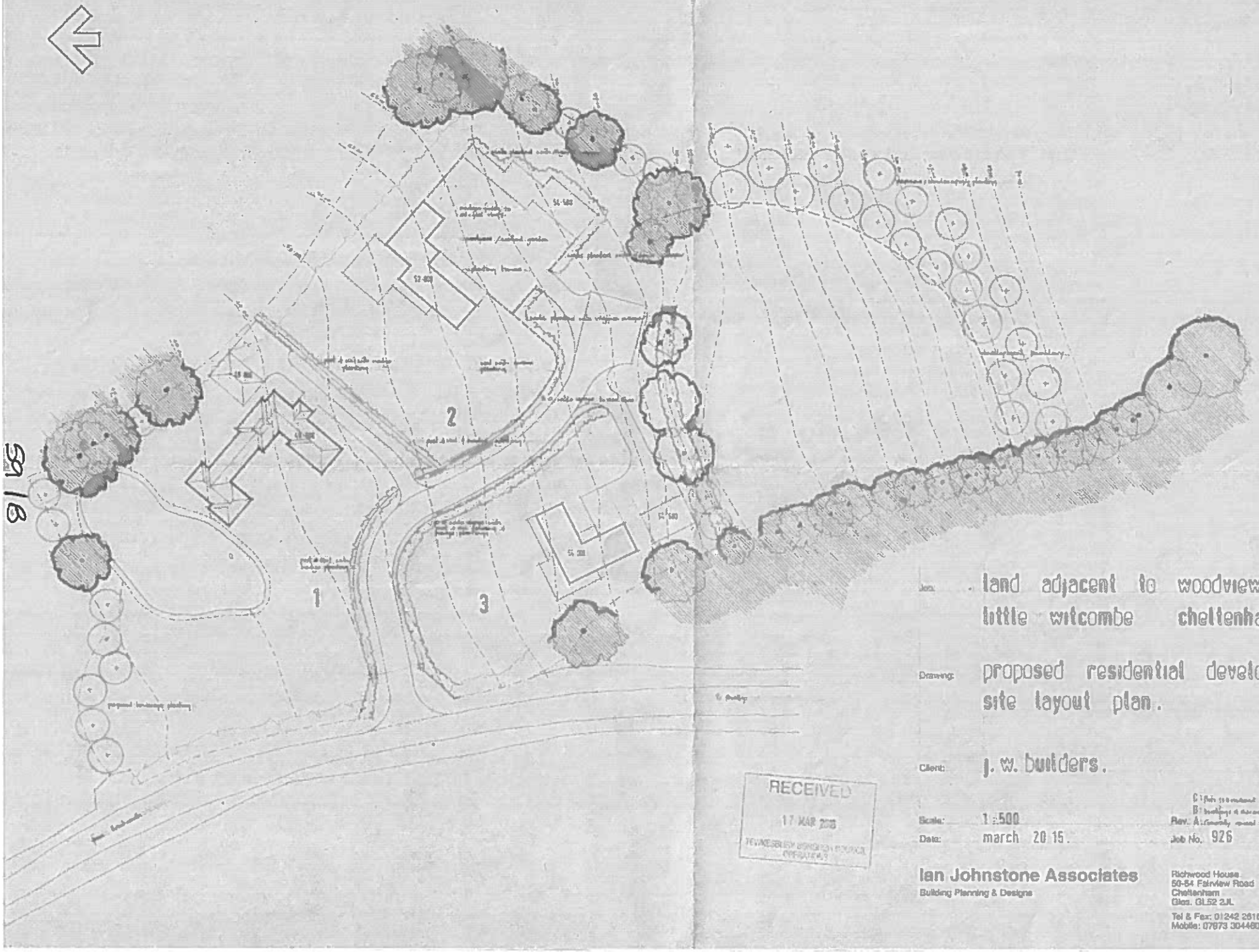
16/00274/FUL

SFPLANNING

0m 25m 50m 75m 100m 125m 150m 175m 200m

Scale: 1:2500, paper size: A4

SITE LOCATION PLAN
Land adj Woodview, Birdlip Hill
Mr J Wilsdon



916

Job: land adjacent to woodview
little witcombe cheltenham glos.

Drawing: proposed residential development :
site layout plan.

Client: j. w. builders.

Scale: 1 :500

Date: march 2015.

Rev. A

Job No. 926 Drg. No. 05

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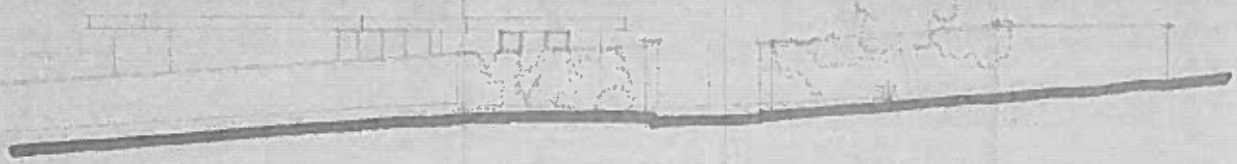
Mobile: 07973 304480



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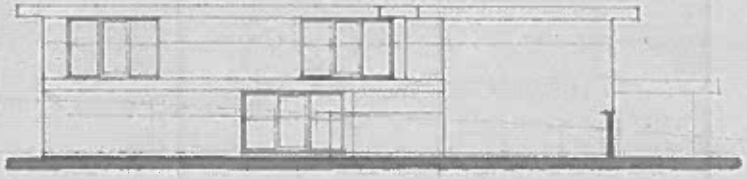

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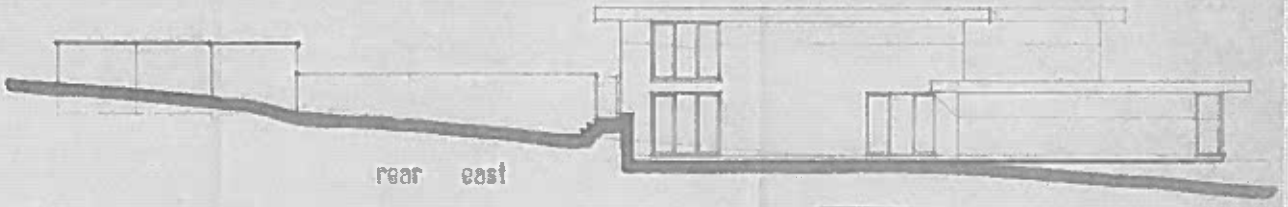

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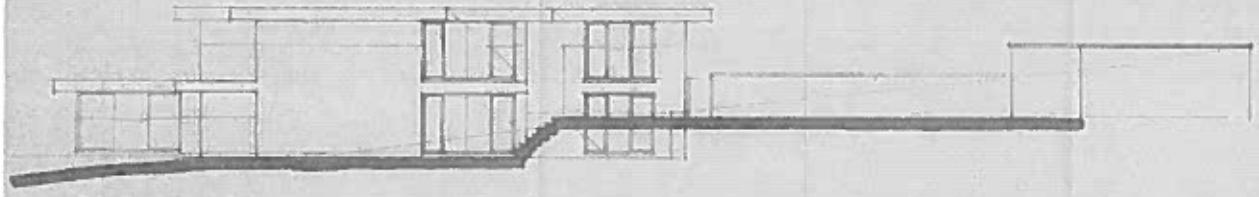

front west

RECEIVED
22 NOV 2015

job. land adjacent to woodview
little witcombe cheltenham glos.

Drawing. details of proposed dwelling:
plot 2 elevations.

Client. j.w.builders.

Scale. 1:100 .
Date: march 2015

Job No.: 926 Dwg. No. 08.

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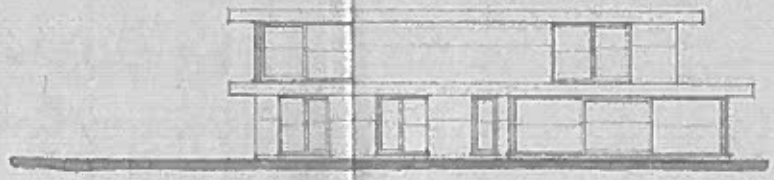
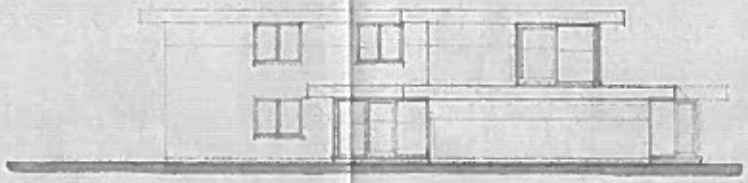
9/15

NOTES:
All dimensions must be checked on site and not scaled from this drawing



front north



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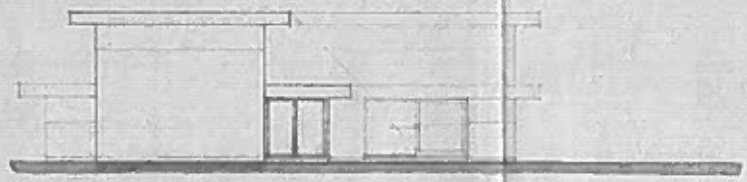

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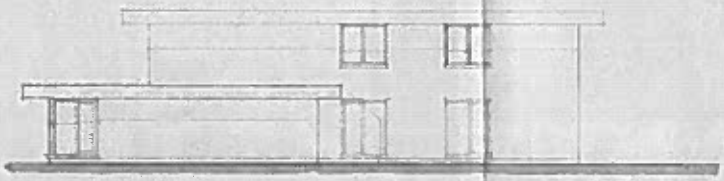

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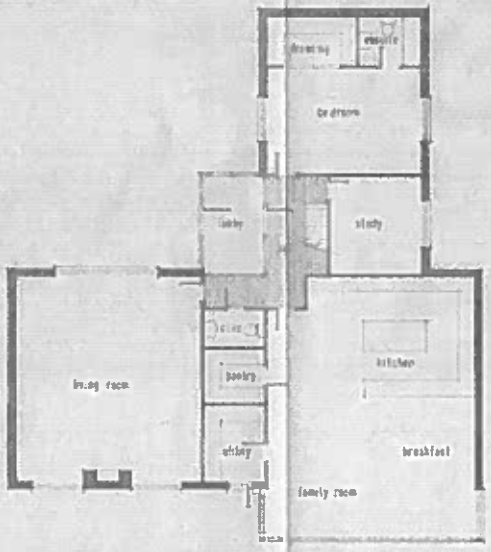
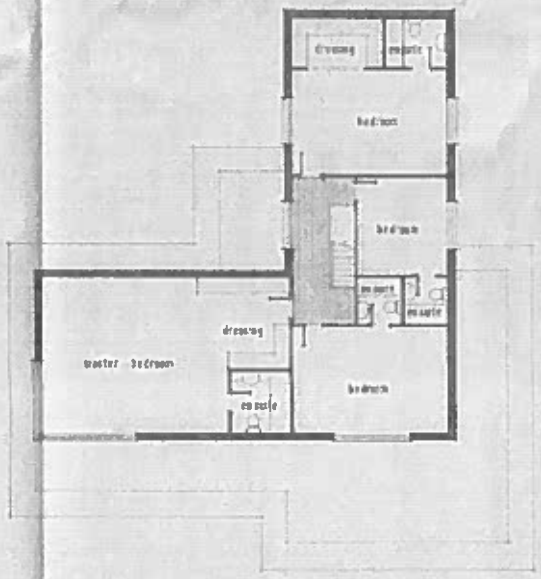


ground floor plan



first floor plan

RECEIVED
17 MAR 2015

Job: land adjacent to woodview
little witcombe cheltenham glos.

Drawing: details of proposed dwelling : plot 3.
ground + first floor plans + elevations.

Client: p.w.builders.

Scale: 1:100
Date: march 2015.

Job No.: 926 Dwg. No.: 09

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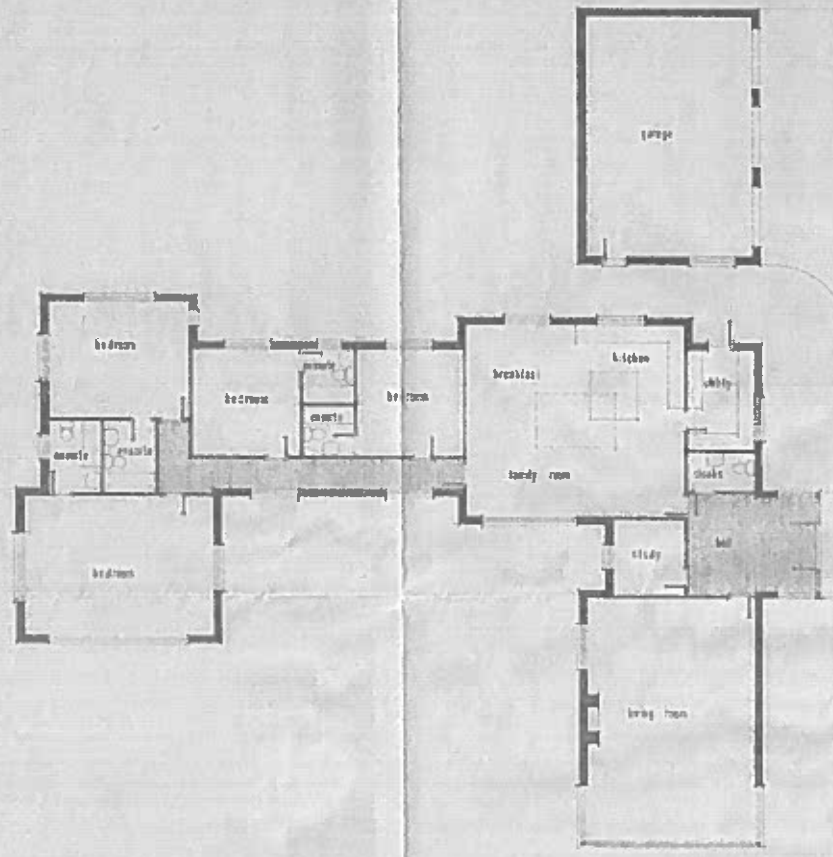
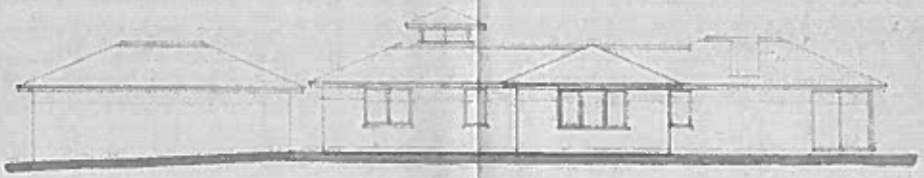
01 of 5

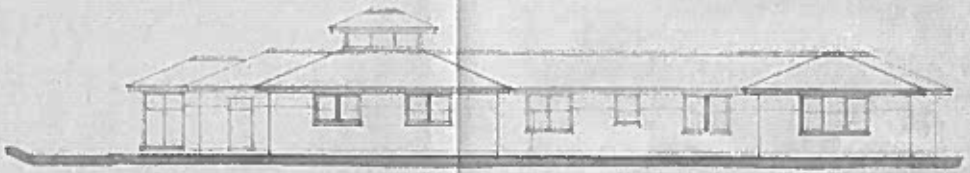
NOTES
All dimensions must be checked on site and not scaled from this drawing.



ground floor plan



rear north west



side north east

front south east

side south west

RECEIVED
17 MAR 2016
PLANNING SERVICES

Job: land adjacent to woodview
little witcombe cheltenham glos.

Drawing: details of proposed dwelling : plot 1
ground floor plan and elevations.

Client: j. w. builders.

Scale: 1:100
Date: february 2016

Rev: C
Job No.: 926 Dwg. No. 06

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16/00233/FUL	6 Breaches Close, Woodmancote	10

Valid 09.03.2016
Grid Ref 397145 227623
Parish Woodmancote
Ward Cleeve Hill

Single storey side and rear extensions, part conversion of existing garage.

Mr Dan Walker
6 Breaches Close
Woodmancote
Cheltenham
Gloucestershire
GL52 9HY

RECOMMENDATION Permit

Policies and Constraints

National Planning Policy Framework
Planning Practice Guidance
Tewkesbury Borough Local Plan to 2011 - Policy HOU8
Joint Core Strategy Submission Version November 2014
Flood and Water Management SPD December 2014
Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
The First Protocol, Article 1 (Protection of Property)

Consultations and Representations

Woodmancote Parish Council - 6 - 3 objection - Large area of glass windows and doors to rear elevation not consistent with design of surrounding dwellings. Reduction of garage space may lead to parking issues or congestion.

Public Representations - No representations received.

Planning Officers Comments: Mrs Helen Stocks

1.0 Application Site

1.1 The application relates to No.6 Breaches Close, a two-storey detached reconstitute stone / rendered property located at the end of a cul-de-sac within Woodmancote. The property is surrounded by a mix of detached and semi-detached residential dwellings and is bounded by Bushcombe Lane to the rear **(see attached site location plan)**.

2.0 Planning History

2.1 There is no relevant planning history relating to the application site.

3.0 Current Application

3.1 The current application seeks planning permission for the erection of a single storey side and rear extension and the conversion of part of the existing garage, located immediately north of the main dwelling.

3.2 The proposed side extension would provide a lightweight (glazed) connection between the main dwelling and the detached garage. It would follow the building line of the detached garage and would be set back from the principal elevation of the main dwelling by approximately 4.5 metres. The proposed rear extension would protrude approximately 2.4 metres beyond the rear wall of the original dwelling and would align with the rear elevation of the detached garage. It would have a mono-pitched roof with an eaves and ridge height of 2.3 metres and 3.5 metres accordingly **(see proposed plans attached)**.

3.3 A large proportion of the existing garage would be converted to residential use, providing additional living accommodation (family room), and one of the garage doors would be blocked up and replaced with a window to match those on the main dwelling.

4.0 Policy Context

4.1 Section 7 of the National Planning Policy Framework (NPPF) states that the Government attaches great importance to the design of the built environment. It states good design is a key aspect of sustainable development and is indivisible from good planning.

4.2 Policy HOU8 of the Local Plan sets out, amongst other things, extensions to existing dwellings will be permitted provided that the proposal respects the character, scale, and proportion of the existing dwelling. The policy also requires that proposals must not have an unacceptable impact on adjacent properties in terms of bulk, massing, size and overlooking. The proposal must also respect the character and appearance of the surrounding area.

4.3 Policy HOU8 is deemed to be consistent with the NPPF and should therefore be afforded full weight in the determination of this application in accordance with Paragraph 215 of Annex 1 of the Framework.

5.0 Analysis

Size, Design and Visual Impact

5.1 The Parish Council has raised an objection to the current proposal on grounds that the amount of glazing on the rear elevation would not be consistent with the design of neighbouring properties. There is no disputing the fact that the proposed single storey rear extension would be heavily glazed, with full height windows and a glazed roof structure; however, it is considered that the proposed extension would be a small scale subservient feature, lightweight in appearance and of a design that complements the main dwelling. As such, the proposal is not considered to be of unacceptable design that would be out of character with neighbouring properties. The rear elevation would be partly visible from Butts Lane but would be seen in the context of existing residential development and the amount of glazing is not considered to have a harmful impact on the visual amenity of the area.

5.2 There are no concerns regarding the single storey side extension or the conversion of the existing garage to provide additional living accommodation which could be completed under permitted development rights. External materials for proposed extensions / alterations to the main dwelling and garage would comprise reconstituted stone, render and slates to match the existing.

5.3 For these reasons, it is considered that the proposed development would be of an appropriate size and design that would complement the character of the existing dwelling and have an acceptable impact on the appearance of the surrounding area in line with Policy HOU8 of the Local Plan.

Residential Amenity

5.4 Given the position and orientation of the existing dwelling, combined with the single storey nature of the proposals, it is not considered that the proposed extensions would result in an unacceptable loss of residential amenity to neighbouring property in terms of bulk, massing, size and overlooking. The proposal is therefore considered to accord with Policy HOU8 of the Local Plan in this regard.

Other Matters

5.5 The Parish Council has also raised an objection to the current proposal on grounds that the loss of garage space following the part conversion of the building may lead to parking issues or congestion. However, there is an area in front of the detached garage which provides off-road parking space for two vehicles. This area would remain unaltered and would not be affected by the proposed development. Notwithstanding this, it should also be noted that the existing garage could be converted by virtue of permitted development rights afforded to the property. For these reasons, it is considered that the proposed development would have minimal impact on existing parking arrangements and would not warrant refusal on these grounds.

6.0 Conclusion

6.1 In summary, it is considered that the proposal would be of an appropriate size and design in keeping with the character and appearance of the property and surrounding area. It would not harm the residential amenity of neighbouring property and is deemed to accord with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006. For these reasons, the application is therefore **recommended for permit**.

RECOMMENDATION Permit

Conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The development hereby permitted shall be carried out in accordance with the following approved plans: WLK15.01.03, WLK15.01.07, WLK15.01.08 and WLK15.01.09, received by the Local Planning Authority on 1 March 2016 and 4 March 2016.

3 The external materials of the proposed extensions shall match as near as possible the materials of the existing dwelling.

Reasons:

1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 For the avoidance of doubt and in the interests of proper planning.

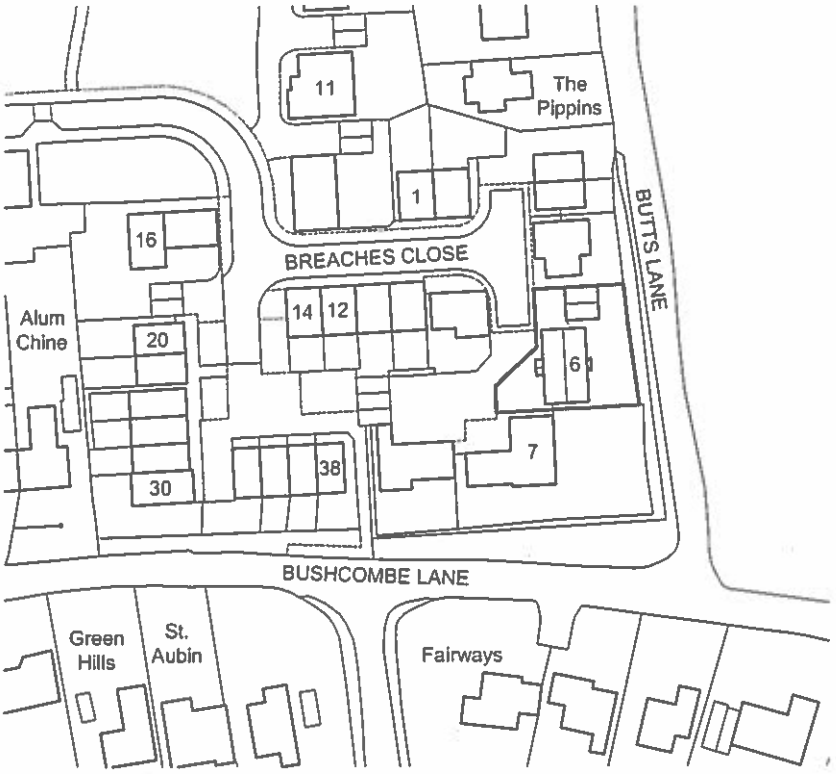
3 To ensure that the extension is in keeping with the existing building in accordance with Policy HOU8 of the Tewkesbury Borough Local Plan to 2011 - March 2006.

Note:

Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner offering pre-application advice, detailed published guidance to assist the applicant and published to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

16/00233/FUL



Client: Mr & Mrs Walker				URBAN ASPECTS LAND · PLANNING · DESIGN		
Project: 6 Breaches Close, Woodmancote						
Drawing Title: Location Plan						
Date: Feb 2016	Scale: 1:1250 @ A4	Drawn: GMP	Status: PA	Job No.: WLK15.01	Drg No.: 01	Rev.: -

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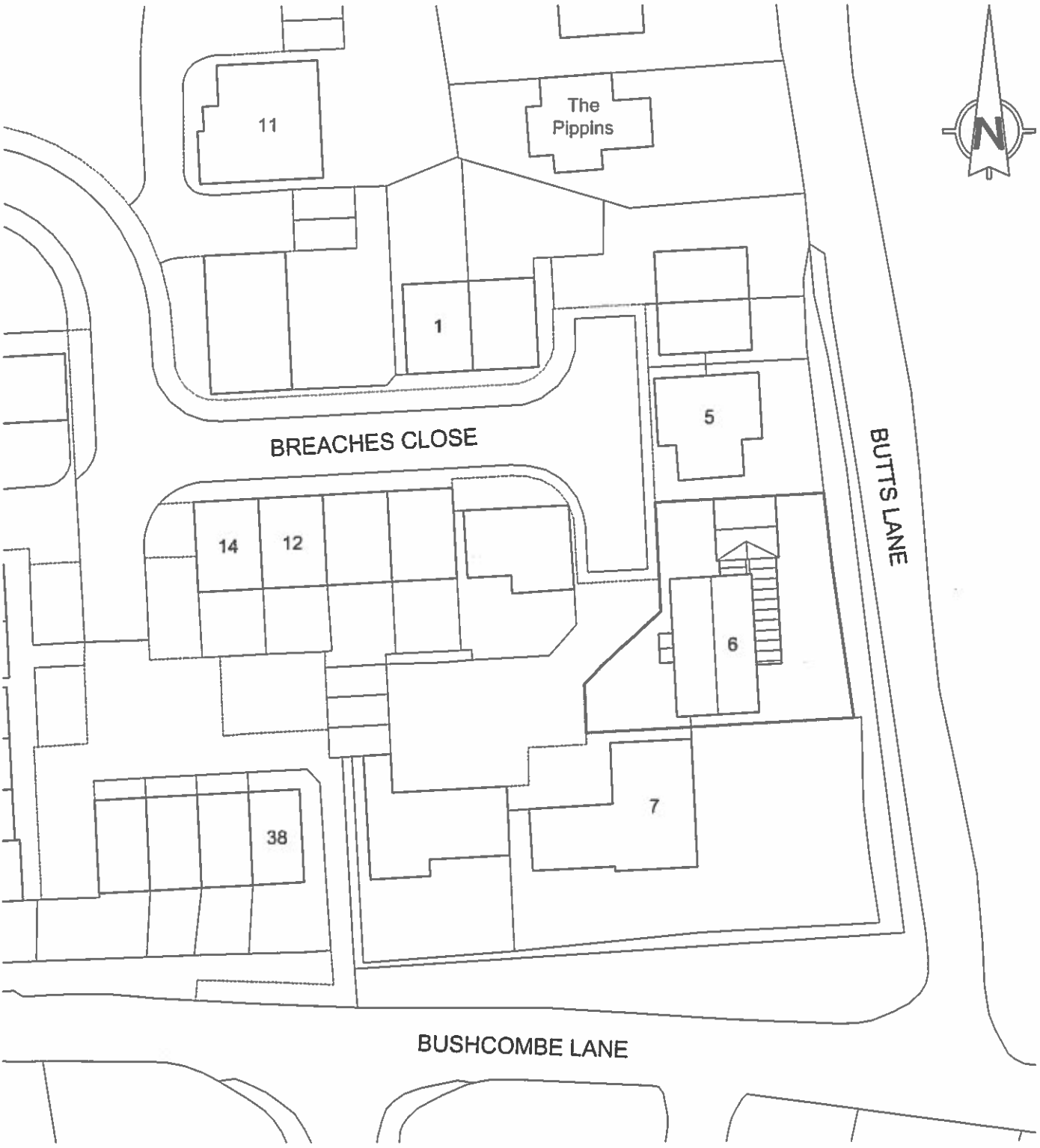
62/A



Client: Mr & Mrs Walker				URBAN ASPECTS LAND · PLANNING · DESIGN		
Project: 6 Breaches Close, Woodmancote						
Drawing Title: Proposed Block Plan						
Date: Feb 2016	Scale: 1:500 @ A4	Drawn: GMP	Status: PA	Job No.: WLK15.01	Drg No.: 03	Rev.: -

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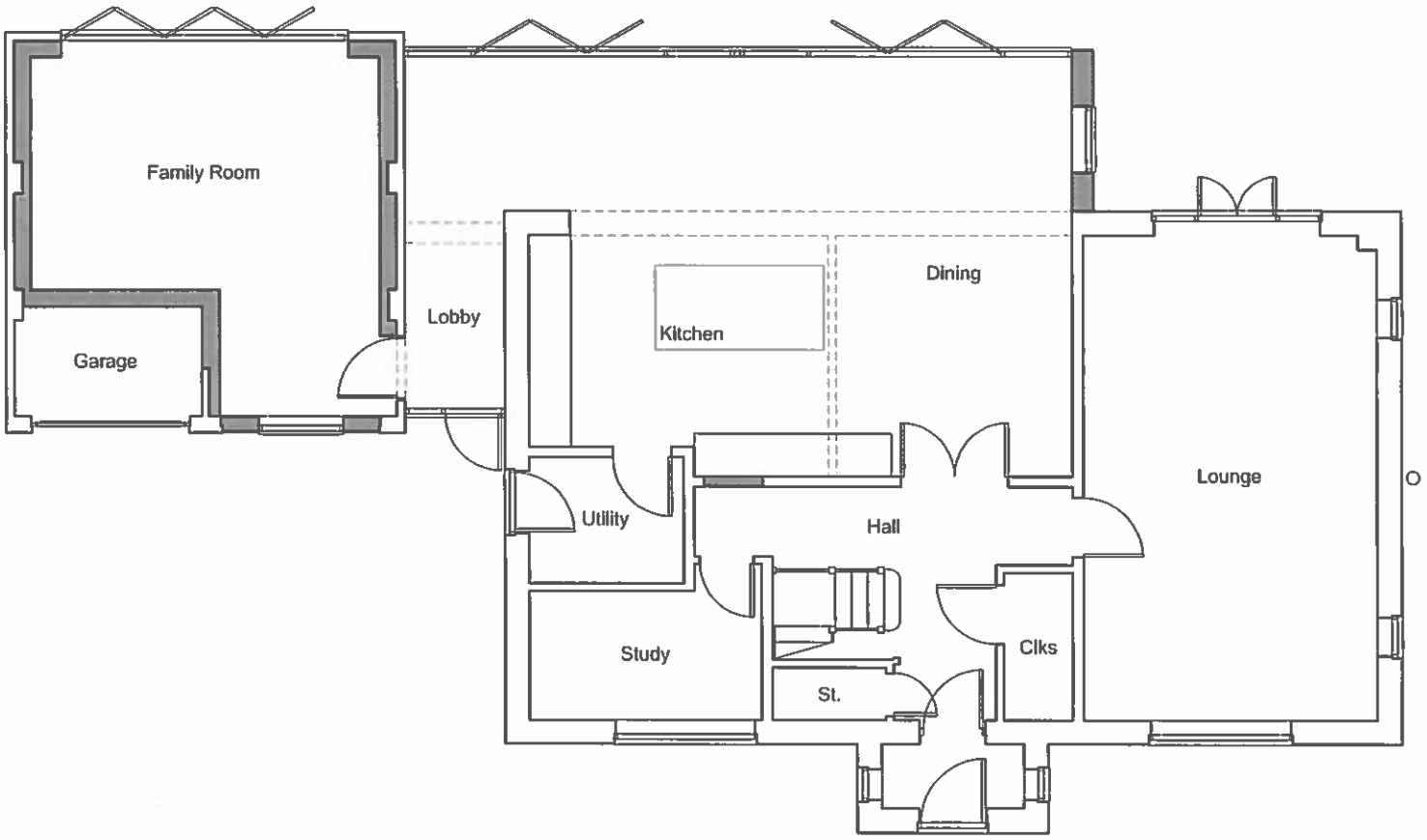
62/B



621C

Client: Mr & Mrs Walker				URBAN ASPECTS LAND · PLANNING · DESIGN		
Project: 6 Breaches Close, Woodmancote						
Drawing Title: Proposed Ground Floor Plan						
Date: Feb 2016	Scale: 1:100 @ A4	Drawn: GMP	Status: PA	Job No.: WLK15.01	Drg No.: 07	Rev.: -

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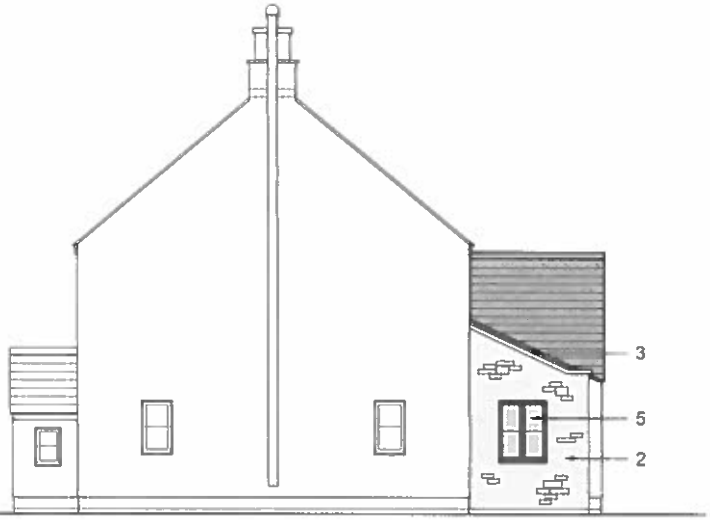
Front Elevation



Side Elevation

621D

Materials

1	Slates to match existing
2	Recons. stone to match existing
3	Recons. stone coping
4	White PVCu window to match existing
5	Grey PVCu windows and doors

Client: Mr & Mrs Walker				URBAN ASPECTS LAND · PLANNING · DESIGN		
Project: 6 Breaches Close, Woodmancote						
Drawing Title: Proposed Elevations - Sheet 1 of 2						
Date: Feb 2016	Scale: 1:100 @ A3	Drawn: GMP	Status: PA	Job No.: WLK15.01	Drg No.: 08	Rev.: -

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Rear Elevation

Side Elevation

62/E

Materials

1	Slates to match existing
2	Recons. stone to match existing
3	Recons. stone coping
4	White PVCu window to match existing
5	Grey PVCu windows and doors

Client: Mr & Mrs Walker						
Project: 6 Breaches Close, Woodmancote						
Drawing Title: Proposed Elevations - Sheet 2 of 2						
Date: Feb 2016	Scale: 1:100 @ A3	Drawn: GMP	Status: PA	Job No.: WLK15.01	Dwg No.: 09	Rev.: -

URBAN ASPECTS
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Brockworth	Glebe Ward Horsbere Ward Moorfield Ward Westfield Ward	R Furolo Mrs R M Hatton H A E Turbyfield
Churchdown Brookfield	Brookfield Ward	R Bishop D T Foyle
Churchdown St John's	St John's Ward	Mrs K J Berry A J Evans Mrs P E Stokes
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Cleeve Hill	Prescott Southam Woodmancote	M Dean Mrs A Hollaway
Cleeve St Michael's	Cleeve St Michael's	R D East A S Reece
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11 May 2015

Please destroy previous lists.